

SECTION 5.0
ENVIRONMENTAL DESIGN MEASURES



5.0 ENVIRONMENTAL DESIGN MEASURES

This chapter describes those measures that would be implemented to reduce or eliminate potential adverse impacts to the human and natural environment. Many of these measures have been incorporated as standard operating procedures by the OBP on past projects. Environmental design mitigation measures would be presented for each resource category that would be potentially affected. It should be emphasized that these are general mitigation measures; development of specific mitigation measures would be required for certain activities implemented under the action alternatives. The proposed mitigation measures would be coordinated through the appropriate agencies and land managers/administrators, as required.

It is policy to mitigate adverse impacts through the sequence of avoidance, minimization, and finally, compensation. Compensation varies and includes activities such as restoration of habitat in other areas, acquisition of lands, *etc.* and is typically coordinated with the USFWS and other appropriate Federal and state resource agencies.

5.1 GENERAL CONSTRUCTION ACTIVITIES

BMPs would be implemented as standard operating procedures during all construction activities such as proper handling, storage, and/or disposal of hazardous and/or regulated materials. To minimize potential impacts from hazardous and regulated materials, all fuels, waste oils, and solvents would be collected and stored in tanks or drums within a secondary containment system that consist of an impervious floor and bermed sidewalls capable of containing the volume of the largest container stored therein. The refueling of machinery would be completed following accepted guidelines, and all vehicles would have drip pans during storage to contain minor spills and drips. Although it would be unlikely for a major spill to occur, any spill of 5 gallons or more would be contained immediately within an earthen dike, and the application of an absorbent (*e.g.*, granular, pillow, sock, *etc.*) would be used to absorb and contain the spill. Any major spill of 5 gallons or more of a hazardous or regulated substance would be reported immediately to on-site environmental personnel who would notify appropriate Federal and state agencies. A Spill Prevention, Containment, and Countermeasures Plan (SPCCP) would be in place prior to the start of construction and all personnel would be briefed on the implementation and responsibilities of this plan.

All waste oil and solvents would be recycled. All non-recyclable hazardous and regulated wastes would be collected, characterized, labeled, stored, transported, and disposed of in accordance with all Federal, state, and local regulations, including proper waste manifesting procedures.

Solid waste receptacles would be maintained at staging and bivouac areas. Non-hazardous solid waste (trash and waste construction materials) would be collected and deposited in the on-site receptacles. Solid waste would be collected and disposed of by a local waste disposal contractor.

5.2 SOILS

Vehicular traffic associated with the construction activities and operational support activities would remain on established roads to the maximum extent practicable. Areas with highly erodible soils would be given special consideration when designing the proposed projects to ensure incorporation of various erosion control techniques such as, straw bales, aggregate materials, wetting compounds, and revegetation with native plant species, where possible, to decrease erosion. In addition, erosion control measures, as required and promulgated through the SWPPP, would be implemented before and after construction activities.

5.3 VEGETATION

Construction equipment would be cleaned prior to entering and departing the project area to minimize the spread and establishment of non-native invasive plant species. Soil disturbances in temporary impact areas would be re-vegetated with native plant species where appropriate.

5.4 WILDLIFE

The Migratory Bird Treaty Act (MBTA) requires that Federal agencies coordinate with the USFWS if construction activity would result in the take of a migratory bird. Surveys of suitable habitat would be performed to identify active nests. If construction activities would result in the take of a migratory bird, then consultation with the USFWS and AGFD would be conducted prior to construction or clearing activities. Another mitigation measure that would be considered is to schedule all construction activities outside nesting season (March 1 through September1). Bird surveys would not be required if clearing activities occur outside of the nesting season.

5.5 PROTECTED SPECIES

If construction occurs in Phase III during the breeding season (April 1 – September 1) of the southwestern willow flycatcher, pre-construction surveys for the presence of nesting southwestern willow flycatchers within the Colorado River riparian area would be instituted. Pre-construction surveys for breeding Yuma clapper rail would not be required because the riparian area is not considered suitable breeding habitat.

Stadium style lights in Phase III would be oriented so the angle of illumination is downward into the agricultural fields and shielded to not illuminate the riparian area along the Colorado River.

Surveys for FTHL will be conducted prior to the initiation of construction in Phase II. Lizard exclusion fencing would be erected around the 150- foot project corridor within the YDMA prior to surveys. The surveys will be conducted by a biologist authorized to handle FTHL. If FTHLs are observed within the project area they will be removed prior to the initiation of construction. Impacts to the YDMA would be mitigated in coordination with BLM and BOR. The OBP will provide appropriate compensation for the 9 acres of impacts to the YDMA. Compensation will be determined by the FTHLICC.

On site mitigation for the western burrowing owl will consist of passive relocation. This entails encouraging owls to move from occupied burrows within the project area to alternative locations in suitable habitat beyond 50 meters from the project disturbance. The use of one-way doors on burrows should keep owls from returning to the burrows within the project area. Relocation should only be attempted during the non-breeding season (California Burrowing Owl Consortium 1993).

5.6 CULTURAL RESOURCES

All construction will be kept within previously surveyed areas. If any cultural material is discovered during the construction efforts then all activities would halt until a qualified archeologist can be brought in to assess the cultural remains.

Known cultural resources sites will be avoided wherever they may intersect the project area, except for existing levee roadways. If it is not possible to avoid the sites during construction, an

architectural historian and a historical archeologist will re-evaluate the eligibility of the sites and assess potential impacts.

5.7 WATER RESOURCES

Standard construction procedures would be implemented to minimize the potential for erosion and sedimentation during construction. All work would cease during heavy rains and would not resume until conditions are suitable for the movement of equipment and material. Effective March 10, 2003, in accordance with regulations of the EPA Phase II of the National Pollutant Discharge Elimination System (NPDES) stormwater program, a SWPPP would be required, for stormwater runoff from construction activities greater than 1 acre and less than 5 acres. Therefore, a SWPPP would be prepared and implemented prior to the start of any border security infrastructure.

5.8 AIR QUALITY

Mitigation measures will be incorporated to insure that SO₂ and PM₁₀ emission levels do not rise above the minimum threshold of 100 tons per year as required per 40 CFR 51.853(b)(1). Measures will include dust suppression methods to minimize airborne particulate matter that would be created during construction activities. Standard construction practices such as routine watering of the construction site and access routes will be used to control fugitive dust during the construction phases of the proposed project. Additionally, all construction equipment and vehicles will be required to be kept in good operating condition to minimize exhaust emissions.

5.9 NOISE

During the construction phase, short-term noise impacts are anticipated. All Occupational Safety and Health Administration (OSHA) requirements will be followed. On-site activities will be restricted to daylight hours with exceptions the exception of concrete pours and emergency situations. Construction equipment will possess properly working mufflers and will be kept properly tuned to reduce backfires. Implementation of these measures will reduce the expected short-term noise impacts to an insignificant level in and around the construction site.

5.10 AESTHETICS

Stadium style light poles will be painted to blend in with the surrounding environment. Shields will be installed on the lights to prevent background lighting. Lights will also be installed such that the direction of illumination is downward.

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SECTION 6.0
PUBLIC INVOLVEMENT

6.0 PUBLIC INVOLVEMENT

6.1 AGENCY COORDINATION

This chapter discusses consultation and coordination that will and has occurred during preparation of the draft and final versions of this document (Appendix C). This includes contacts that are made during the development of the Preferred Action Alternative and writing of the EA. Agency correspondence/consultation letters are included in Appendix C. Formal and informal coordination has been conducted with the following agencies:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Forest Service (USFS)
- Natural Resource Conservation Service (NRCS)
- Arizona State Historic Preservation Office (SHPO)
- Arizona Department of Transportation (ADOT)
- Arizona Game and Fish Department (AGFD)
- Arizona Department of Environmental Quality (ADEQ)
- Arizona Department of Agriculture
- Arizona State Lands
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- Bureau of Indian Affairs (BIA)
- National Park Service (NPS)
- Native American Nations

6.2 PUBLIC REVIEW

A Notice of Availability (NOA) was published in *The Sun* newspaper in Yuma, Arizona announcing the availability of the draft EA for a 30-day public review beginning on October 8, 2004 (Appendix C). Comments received during the 30-day review period were addressed and, where appropriate, changes were incorporated into the final EA. All correspondence received during the 30-day public review period are included in Appendix C. The final EA will be made available to the public

and a NOA announcing the availability of the final EA will be published in *The Sun* newspaper (Exhibit 1).

Exhibit 1.

NOTICE OF AVAILABILITY

FINAL ENVIRONMENTAL ASSESSMENT FOR THE INSTALLATION OF PERMANENT LIGHTING AND BORDER SECURITY INFRASTRUCTURE OFFICE OF BORDER PATROL YUMA SECTOR, ARIZONA

The public is hereby notified of the availability of the *Final Environmental Assessment (EA) for the Installation of Permanent Lighting and Border Security Infrastructure in the Office of Border Patrol (OBP) Yuma Sector, Arizona*. This EA addresses the potential impacts from installing approximately 13 miles of permanent stadium style lighting, the construction of 9 miles of all-weather road, secondary fence, maintenance road, and security fence, and the extension of 3.5 miles of primary border fence near San Luis, Arizona. The objective of the proposed project is to provide a deterrence to the continual influx of IEs into the area through a certainty of detection and apprehension and increase the safety of the OBP agents. The final EA will be available for viewing on December 22, 2004 at the Yuma County Library in Yuma, Arizona; and the Yuma County Library (Wellton Library) in Wellton, Arizona. The final EA can also be viewed via the Internet at the following address: <http://aerc.swf.usace.army.mil>. For additional information contact Mr. Mark Doles, U.S. Army Corps of Engineers-Fort Worth District, P.O. Box 17300 Fort Worth, Texas 76102-0300 or facsimile (817) 886-6499.

6.3 COMMENTS AND RESPONSES

The following subsections addresses comment letters received during the 30-day public comment period for the draft EA. A total of 91 letters commenting on the draft EA were received from Federal and state agencies, individuals, and non-governmental groups (Appendix C). Of the 91 letters received 84 letters were a form letter presenting the same comments. Only 9 letters are addressed in the final EA because the remaining 82 letters were received after the closing of the public comment period on November 8, 2004. The letters received after the closing of the comment period are included as part of the project record that is maintained at the U.S. Army Corps of Engineers, Fort Worth District.

6.3.1 Bureau of Land Management

Comment 1: Need to include the following suggested or similar language to cover BLM Critical Element – Standards for Range Health in Chapter 2 Affected Environment, “The Arizona Standards for Rangeland Health and Guidelines for Grazing Administration was approved in April 1997. The Standards apply to all lands managed by the Bureau of Land Management. A majority of the lands managed by the Bureau within the project area are previously disturbed and committed to other activities. The lands in this area are in compliance with the Arizona Standards for Rangeland Health”.

Response 1: The suggested language was added in Section 3.1 last paragraph in the final EA.

Comment 2: Need to include the following suggested or similar language to Chapter 3 Environmental Consequences, “The proposed action would have no impact on compliance with the Arizona Standards for Rangeland Health”.

Response 2: The recommended text regarding compliance with the Arizona Standards for Rangeland Health was included in sections 4.1.1, 4.1.2, 4.1.3, and 4.1.4 of the final EA.

Comment 3: The 150-foot enforcement zone is not mentioned in the Executive Summary, Preferred Action.

Response 3: A sentence discussing the 150-foot enforcement zone has been added to the Executive Summary, Preferred Action.

Comment 4: The wastewater treatment plant is misidentified in Figure 2-1.

Response 4: Figure 2-1 has been revised to identify the correct location of the wastewater treatment plant.

Comment 5: In Section 2.1, sixth paragraph, fourth sentence, the text refers to the OBP as leasing land from the BLM. The sentence needs to be revised to reflect the OBP would obtain a right-of-way reservation for a perpetual term on BLM managed lands.

Response 5: In Section 2.1, seventh paragraph in the final EA the text has been revised to reflect the OBP would initially obtain a right-of-way reservation and ultimately a land withdrawal from the BLM.

Comment 6: Utility lines are depicted on Figure 2.4 of the draft EA. Will Arizona Public Service (APS) provide electricity for the lights? If not, how will the OBP obtain electricity

service? If APS will provide electricity for the lights, APS might need to apply for a separate right-of-way to extend their powerlines to public lands.

Response 6: Text has been added clarifying that electricity for the proposed project would be provided by APS and APS would be responsible for obtaining any need ROWs on Federal lands in Section 2.1.1, first paragraph of the final EA.

Comment 7: Section 2.1: Preferred Action Alternative. When will Phase I, Phase II, and Phase III be implemented, if approved?

Response 7: In Section 2.1, second paragraph of the final EA text has been added indicating that lighting construction in Phase I could begin in January 2005, if the environmental documentation and engineering plans are complete.

Comment 8: In Section 3.1, fourth paragraph, second sentence of the draft EA the 60-foot corridor north of the U.S.-Mexico border is referred to as a right-of-way. The OBP does not have a 60-foot right-of-way north of the border. The 60-foot corridor along the border is considered a withdrawal. This withdrawal was established by a Presidential Proclamation.

Response 8: Section 2.1, seventh paragraph. Text was added indicating the 60-foot corridor was a land withdrawal under a Presidential Proclamation and is generally referred to as the "Roosevelt Easement". Also, added text indicating this area is intensively used for enforcement actions by the OBP. Section 3.1, fourth paragraph in the final EA was revised to indicate the existing 60-foot corridor is heavily used by the OBP and other Federal law enforcement agencies for illegal immigration, counter drug, and counter terrorism actions.

Comment 9: Commenter suggests revising the description of the project to better describe the area where the proposed project extends beyond the proposed 150-foot enforcement zone west of Friendship Park.

Response 9: In Section 2.1, third paragraph, Page 2-1 of the final EA text has been added clarifying the deviation of the proposed enforcement zone west of Friendship Park. Also, Figure 2-1 has been revised to depict the location of Friendship Park.

Comment 10: Commenter suggests the deviation of the proposed enforcement zone to the north would remove access to a BLM parcel that the City of San Luis is considering to replace the proposed 90-foot corridor along the southern border of Friendship Park.

Response 10: The deviation in the enforcement zone has been shifted to the westside of Lot 14 to avoid eliminating access to the property.

Comment 11: Commenter suggests adding the following BLM Critical Elements, Areas of Critical Environmental Concern, Wilderness, and Wild and Scenic Rivers to the first paragraph on Page 3-1 of the draft EA.

Response 11: A discussion of the three BLM Critical Elements was included as recommended in the first paragraph on Page 3-1 of the final EA.

Comment 12: Commenter requested that a discussion pertaining to Non-Native Invasive Species (BLM Critical Element) be included in Section 3.3.1 of the final EA.

Response 12: A discussion on Non-Native Invasive Species was included in Section 3.3.2 of the final EA. Environmental design measures to prevent the spread and establishment of non-native invasive plant species are also included in Section 5.3.

Comment 13: Commenter suggests adding \$ sign to 2.8 million in the first sentence, third paragraph on Page 3-26 of the draft EA.

Response 13: The correction was made as requested.

Comment 14: Commenter requests that a description of impacts to Friendship Park be included in sections 4.1.1 and 4.1.2.

Response 14: Impacts to Friendship Park were described in sections 4.1.1, 4.1.2, and 4.1.3 in the final EA as recommended.

Comment 15: Commenter suggests addressing how many acres of farmland presently in use would be lost in sections 4.2.1 and 4.2.3.

Response 15: In Section 3.2 text stating that no lands in the proposed project footprint are currently being farmed was included. Further, a statement has been added clarify that no lands presently being farmed would be altered by the proposed alternatives sections 4.2.1, 4.2.2, and 4.2.3 of the final EA.

Comment 16: Commenter suggests adding possible consequences of the proposed actions on Non-Native Invasive Species in Section 4.3.1 of the final EA. Commenter further suggest

adding mitigation for this issue, such as washing construction equipment prior to initiating working on public lands to prevent the introduction of Non-Native Invasive Species, etc.

Response 16: A discussion of potential consequences of each alternative on non-native invasive plant species is included in Section 4.3.2 of the final EA. Environmental design measures to minimize the potential introduction or spread of non-native invasive plant species were added to Section 5.3.

Comment 17: The first full paragraph on Page 4-19 of the draft EA indicates the City of San Luis intends to close Friendship Park. The City does not intend to close the park. It is the City's intention to relinquish the 90-foot corridor identified by the OBP to the BLM and continue using the park. The OBP would do an Environmental Site Assessment and survey of the land in coordination with the BLM Cadastral Survey prior to the City relinquishing the land.

Response 17: Section 4.1.1, second paragraph in the final EA has been revised to clarify the City of San Luis does not intend to close the park. Further, text has been added to Section 3.1, sixth paragraph explaining how the OBP would obtain the additional 90-foot enforcement corridor at Friendship Park.

Comment 18: The commenter indicates that the deviation of the project footprint west of Friendship Park appears to restrict access to the BLM tract west of Friendship Park. Currently, the City of San Luis is proposing to use this tract to potentially replace lands lost at Friendship Park as part of the proposed project.

Response 18: See Response 10 to BLM comments.

Comment 19: On Page 4-24 of the draft EA, Route 195 is listed as an Arizona Department of Transportation. The commenter questions if Route 195 refers to the Area Service Highway? In addition, the commenter questions the stated miles of construction, if Route 195 is referring to the Area Service Highway.

Response 19: Text has been added in Section 4.13.2, fourth bullet of the final EA to include the Area Service Highway, including the miles of new roadway.

Comment 20: Commenter suggests adding text to discuss the handling and disposal of solid waste in Section 5.

Response 20: A discussion regarding the handling and disposal of solid waste has been added to Section 5.1 of the final EA.

Comment 21: Commenter requests a copy of Northland Research's cultural report for the project area.

Response 21: A copy of Northland Research's cultural report was provided to the BLM Yuma Field Office archeologist.

Comment 22: Commenter indicates Northland Research needed to submit a BLM fieldwork authorization request prior to field surveys on BLM lands and field surveys should have been coordinated with the BLM Yuma Field Office archeologist.

Response 22: Northland Research contacted the BLM Yuma Field Office and submitted a fieldwork authorization form to the BLM Yuma Field Office prior to conducting the cultural resources surveys on BLM lands. Copies of the correspondence is included as part of the project record that is maintained at the US Army Corps of Engineers, Fort Worth District.

6.3.2 Arizona Game and Fish Department

Comment 1: The commenter wants the OBP to clarify, in Section 2.1.2 Extension of Primary Border Fence, if the primary border fence is a vehicle barrier rather than an impediment to people. Commenter indicates diagrams or photographs of the primary border fence were not provided in the draft EA.

Response 1: In Section 2.1.2 Extension of Primary Border Fence the text has been revised in the final EA to read "The primary fence is designed to be an impediment to people and vehicles illegally entering the U.S.". An example photograph of the primary border fences was provided as Photograph 2-2 in the draft EA. In the final EA, photograph 2-2 has been re-titled "Current Primary Fence" for clarification.

Comment 2: The commenter feels the installation of stadium-style lights from the border area northward to Gadsden has the potential to impact riparian obligate species and the lights and noise of border activities within this region will decrease the likelihood of wildlife inhabiting those areas. The commenter provided a list of special status species, from the Heritage Data Management System, known to occur in the region of the Town of Gadsen and feels Section 4.0 Environmental Consequences in the EA should be expanded to include the additional species provided, as well as other wildlife known to generally occur in the area. The commenter feels an assessment of potential impacts to wildlife as a result of construction and daily activity should be addressed in the EA, as well as potential mitigation measures for those impacts.

Response 2: Section 3.5.2, first paragraph was expanded to include all special status species known to occur within a 5-mile radius of the project area in the final EA. The preparers of the document have added further analysis to address potential impacts to wildlife, special status species, and protected species in sections 4.3.3 and 4.5 of the final EA. Further, the OBP has provided adequate conservation design measures to minimize potential impacts to wildlife and protected species as described in sections 5.4 and 5.5 of the draft EA.

Comment 3: The commenter recommends that only fencing designs that allow for the continued movement of wildlife between the US-Mexico border be incorporated into the project, if Alternative 1 is selected.

Response 3: The OBP appreciates the commenter's concerns and recommendations. However, a fence that would allow for the movement of wildlife would be vulnerable to defeat by IEs. The text was revised to better explain why the impact analysis comes to the conclusion of only minor impacts.

Comment 4: Commenter indicates that Alternative 1 would result in the greatest amount of road construction and loss of undeveloped land (desert and agriculture). The commenter feels increased road construction increases vehicle activity and speeds that result in a greater likelihood of wildlife injury, mortality, or modification of behavior during important life cycle periods. Further, the commenter feels Alternative 1 has the greatest potential to impact western burrowing owl habitat.

Response 4: No active agricultural lands would be removed from production as a result of the proposed project. All of the project area in Phases I and III have been previously disturbed by the construction of canals and levees. In Phase II, the existing 60-foot corridor is highly disturbed by illegal traffic and law enforcement activities. The project area in all three phases is currently patrolled on a daily basis. Breeding bird surveys would be conducted during nesting season. Flat-tailed horned lizard (FTHL) surveys would be conducted and any FTHL observed in the project area would be removed. The area would be fenced with FTHL exclusion fencing prior to the initiation of construction to minimize potential impacts. The proposed patrol would be located within the fenced enforcement zone; the potential for injury to wildlife is not likely. The OBP has adequately addressed potential impacts to and environmental design measures for the western burrowing owl in the draft EA.

6.3.3 Public Form Letters and Conference of Major Superiors of Men (CMSM)

The comments received in the public form letter and CMSM letter are identical; therefore, they are being addressed together in the following paragraphs.

Comment 1: DHS does not substantiate a need for the project nor adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. Further the commenters feels human rights and indigenous communities are not adequately addressed in the draft EA.

Response 1: The OBP respectively disagrees and maintains that the need for the proposed project was presented in Section 1.4 of the draft EA. T preparers have added further analysis to address potential direct and indirect impacts, as well as cumulative impacts Section 4.0 of the draft EA. Environmental Justice issues were adequately addressed in Section 4.10 of the draft EA.

Comment 2: The commenters feels militarizing and sealing the U.S.-Mexico border does not address the true cause of migration.

Response 2: The southwest border, especially the project area, is an area that receives a large influx of illegal entrants and drugs. The OBP is responsible for carrying out its mandated mission. As the primary law enforcement agency between the POEs, the OBP's mission is to prevent the entry of terrorists and their weapons of terrorism and to enforce the laws that protect America's homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across the sovereign border of the US. Changes in immigration policy are beyond the scope of this EA.

Comment 3: The commenters feel the proposed project will shift illegal traffic onto the BMGR as a strategy to deter migrant traffic.

Response 3: While the OBP acknowledges illegal traffic would likely shift in response to the proposed project. The OBP has no way of predicting where illegal traffic may shift in response to the proposed infrastructure. However, the proposed enforcement zone would allow additional flexibility in deploying OBP agents to other areas in an effort to halt/control illegal traffic in areas outside the enforcement zone.

Comment 4: The commenters feel the construction of the proposed permanent lights, partly of which extends onto Cocopah lands, would shift illegal traffic onto the Cocopah Reservation.

Further the commenters feel the potential increase in illegal traffic would increase OBP enforcement activities on the Cocopah Reservation, thus affecting the mobility and passage of all indigenous peoples. The commenters indicate the rights of mobility and passage of all indigenous peoples must be respected.

Response 4: The proposed permanent lights are not located on Cocopah lands, as shown on Figure 3-1 in the draft EA. The proposed lighting corridor terminates on BLM lands south of the Cocopah Reservation. Figures 2-3, 3-1, and 3-2 have been revised to reflect the correct project terminus in the final EA. The OBP has recognized that illegal traffic may shift in response to the proposed stadium style lights and proposed enforcement zone. However, the OBP cannot predict where illegal traffic may shift in response to enforcement efforts. The lights located near the Cocopah lands would not restrict the movement of indigenous people.

Comment 5: The commenters feel the Preferred Alternative would harm the state protected FTHL as a result of direct physical impacts and shifting illegal traffic into the Yuma Desert Management Area. Further, the commenters feel the preferred action would also harm the southwestern willow flycatcher by placing permanent lights within what is considered to be high quality stopover and potential breeding habitat.

Response 5: The environmental design measures presented in Section 5.0 of the EA would minimize potential impacts to protected species. In Phase II, surveys for the FTHL would be conducted prior to construction and any FTHL observed will be removed from the project area. A lizard exclusion fence erected to prevent the FTHL from re-entering the enforcement zone. Permanent lights would not be located within southwestern willow flycatcher stopover habitat. The proposed lights are located along the levee adjacent to the agriculture fields east of the Colorado River. The lights would be directed to illuminate the agriculture fields and minimize illumination within the riparian corridor along the Colorado River. The design illumination of the permanent lights varies between 3 to 5 foot candles per pole at ground level. Informal Section 7.0 consultation regarding the potential effects of the proposed actions on the southwestern willow flycatcher and Yuma clapper rail was requested in a letter dated October 13, 2003 (Appendix C). The USFWS did not respond in 30 days as was requested; therefore it is assumed the USFWS concurs with findings of the informal consultation.

Comment 6: The commenters feel the US should develop a human border policy.

Response 6: The OBP is responsible for carrying out its mandated mission. Changes in immigration policy are beyond the scope of this EA.

SECTION 7.0
REFERENCES



7.0 REFERENCES

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SECTION 8.0
LIST OF PREPARERS



8.0 LIST OF PREPARERS

The following people were primarily responsible for preparing this Environmental Assessment.

NAME	AGENCY/ORGANIZATION	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EA
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Joseph Lamphear	Department of Homeland Security	NEPA	13 years Environmental Management and Review	Program Manager, EA review and project coordination
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SECTION 9.0
ACRONYMS



9.0 ACRONYMS

ACHP	Advisory Council on Historic Preservation
ADA	Arizona Department of Agriculture
ADEQ	Arizona Department of Environmental Quality
ADES	Arizona Department of Economic Security
ADOT	Arizona Department of Transportation
AGFD	Arizona Game and Fish Department
AO	Area of operation
APE	Area of Potential Effect
AHPA	Archeological and Historical Preservation Act
ASM	Arizona State Museum
BEA	Bureau of Economic Analysis
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CBP	U.S. Customs and Border Protection
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CIR	Cocopah Indian Reservation
CO	Carbon monoxide
CPNWR	Cabeza Prieta National Wildlife Refuge
CWA	Clean Water Act
dBA	decibel
DHS	Department of Homeland Security
DNLs	Day-Night Average Noise Levels
EA	Environmental Assessment
E.O.	Executive Order
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
FTHL	Flat-tailed Horned Lizard
FTHLICC	Flat-tailed Horned Lizard Interagency Coordination Committee
IE	Illegal Entrant
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
JTF-6	Joint Task Force Six
JTF-N	Joint Task Force North
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
MSA	Metropolitan Statistical Area
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act of 1969
NAGPRA	Native American Graves Protection and Repatriation Act
NHPA	National Historical Preservation Act
NPDES	National Pollution Discharge Elimination System
NRHP	National Register of Historic Places

NRCS	Natural Resource Conservation Service
NOA	Notice of Availability
NWP	Nationwide Wetland Permit
OBP	Office of Border Patrol
OHWM	Ordinary High Water Mark
OPCNM	Organ Pipe Cactus National Monument
OSHA	Occupational Safety and Health Administration
PCPI	Per Capita Personal Income
PM ₁₀	Particulate matter measuring less than 10 microns
POE	Port of Entry
ROI	Region of Influence
ROW	Rights-of-way
SCS	Soil Conservation Service
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SPCCP	Spill Prevention Containment and Countermeasures Plan
SWANCC	Solid Waste Agency of Northern Cook County
SWPPP	Storm Water Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
TPI	Total Personal Income
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geological Service
USFWS	U.S. Fish and Wildlife Service
WSC	Wildlife of Special Concern
WUS	Waters of the U.S.
YDMA	Yuma Desert Management Area

APPENDIX A
NON-NATIVE INVASIVE PLANT SPECIES



SPECIES LIST

Common Name	Scientific Name	Synonyms	USDA Plant Code
Arabian grass	<i>Schismus arabicus</i>		
buffelgrass	<i>Pennisetum ciliare</i> (L.) Link var. <i>ciliare</i>	▪ <i>Cenchrus ciliaris</i> L.	PECIC
camelthorn	<i>Alhagi maurorum</i> Medik.	▪ <i>Alhagi camelorum</i> Fisch. ▪ <i>Alhagi pseudalhagi</i> (Bieb.) Desv. Ex B. Keller & Schaparenko	ALMA12
fountain grass	<i>Pennisetum setaceum</i> (Forsk.) Chiov.	▪ <i>Pennisetum ruppelli</i> Steud. ▪ <i>Phalaris setacea</i> Forsk.	PESE3
giant reed	<i>Arundo donax</i> L.	▪ <i>Arundo donax</i> L. var <i>versicolor</i> (P.Mill.) Stokes ▪ <i>Arundo versicolor</i> P.Mill.	ARDO4
Malta starthistle Maltese starthistle	<i>Centaurea melitensis</i> L.		CEME2
Mediterranean grass	<i>Schismus barbatus</i> (Loefl. Ex L.) Thellung	▪ <i>Festuca barbata</i> Loeffl. ex L.	SCBA
pampas grass silver pampas grass	<i>Cortaderia selloana</i> (J.A. & J.H. Schultes) Aschers. & Graebn.	▪ <i>Cortaderia dioica</i> (Spreng.) Speg.	COSE4
puncturevine bullhead goathead Mexican sandbur Texas sandbur caltrop	<i>Tribulus terrestris</i> L.		TRTE
raveena grass	<i>Erianthus ravennae</i>	▪	
red brome foxtail brome	<i>Bromus rubens</i> L.	▪ <i>Anisantha rubens</i> (L.) Nevski ▪ <i>Bromus madritensis</i> L. spp. <i>rubens</i> (L.) Husnot	BRRU2
Sahara mustard Asian mustard African mustard	<i>Brassica tournefortii</i> Gouan.	▪ <i>Brassica tournefortii</i> Gouan var. <i>sisymbrioides</i> (Fisch.) Grossh.	BRTO
saltcedar	<i>Tamarix ramosissima</i> Ledeb.		TARA

APPENDIX B
FEDERAL AND STATE PROTECTED SPECIES LISTS



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County Species Lists-Yuma County

Common Name	Scientific Name	Status	Description	County	Elevation Range	Habitat	Comments
▼ 1) Listed 7							
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	Large, adults have white head and tail. Height 28-38"; wingspan 66-96". 1-4 yrs dark with varying degrees of mottled brown plumage. Feet bare of feathers.	Apache Cochise Coconino Gila Graham La Paz Maricopa Mohave Navajo Pima Pinal Santa Cruz Yavapai Yuma	Varies	Large trees or cliffs near water (reservoirs, rivers, and streams) with abundant prey.	Some birds are nesting residents while a larger number winters along rivers and reservoirs. An estimated 200 to 300 birds winter in Arizona. Once endangered (32 FR 4001, 03-11-1967; 43 FR 6233, 02-14-78) because of reproductive failures from pesticide poisoning and loss of habitat, this species was down listed to threatened on August 11, 1995. Illegal shooting, disturbance, and loss of habitat continues to be a problem. Species has been proposed for delisting (64 FR 36454) but still receives full protection under the ESA.
Cactus ferruginous pygmy-owl	<i>Glaucidium brasilianum cactorum</i>	Endangered	Small (Approx. 7"), diurnal owl reddish brown overall with cream-colored belly streaked with reddish brown. Some individuals are grayish brown.	Cochise Gila Graham Greenlee Maricopa Pima Pinal Santa Cruz Yuma	<4000 ft	Mature cottonwood/willow, mesquite bosques, and Sonoran desertscrub	Range limit in Arizona is from New River (North) to Gila Box (East) to Cabeza Prieta Mountains (West). Only a few documented sites where this species persists are known, additional surveys are needed.
California	<i>Pelecanus</i>	Endangered	Large dark gray-	Apache	Varies	Coastal land and	Proposed critical habitat occurs in Pima and Pinal counties (67 FR71032; 11-27-02). Subspecies is found on Pacific

Brown pelican	<i>occidentalis californicus</i>		brown water bird with a pouch underneath long bill and webbed feet. Adults have a white head and neck, brownish black breast, and silver gray upper parts.	Cochise Coconino Gila Graham Greenlee La Paz Maricopa Mohave Navajo Pima Pinal Santa Cruz Yavapai Yuma		islands; species found around many Arizona lakes and rivers	Coast and is endangered due to pesticides. It is an uncommon transient in Arizona on many Arizona lakes and rivers. Individuals wander up from Mexico in summer and fall. No breeding records in Arizona.
Razorback sucker	<i>Xyrauchen texanus</i>	Endangered	Large (up to 3 feet long and up to 6 lbs, high sharp-edged keel-like hump behind the head. Head flattened on top. Olive-brown above to yellowish below.	Coconino Gila Graham Greenlee La Paz Maricopa Mohave Pinal Yavapai Yuma	< 6000 ft	Riverine and lacustrine areas, generally not in fast moving water and may use backwaters.	Species is also found in Horseshoe reservoir (Maricopa County). Critical habitat includes the 100-year floodplain of the river through the Grand Canyon from confluence with Paria River to Hoover Dam; Hoover Dam to Davis Dam; Parker Dam to Imperial Dam. Also Gila River from Arizona/New Mexico border to Coolidge Dam; and Salt River from Hwy 60/SR77 Bridge to Roosevelt Dam; Verde River from FS boundary to Horseshoe Lake.
Sonoran pronghorn	<i>Antilocapra americana sonoriensis</i>	Endangered	Buff on back and white below, hooped with slightly curved black horns having a single prong. Smallest and palest of the pronghorn subspecies	Maricopa Pima Yuma	2,000-4,000 ft	Broad intermountain alluvial valleys with creosote-bursage and palo verde-mixed cacti associations	Typically, bajadas are used as fawning areas and sandy dune areas provide food seasonally. Historic range was probably larger than exists today. This subspecies also occurs in Mexico.
Southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	Endangered	Small passerine (about 6 inches) grayish-green back and wings, whitish throat, light	Apache Cochise Coconino Gila Graham Greenlee La	<8500 ft	Cottonwood/willow and tamarisk vegetation communities along rivers and streams.	Migratory riparian obligate species that occupies breeding habitat from late April to September. Distribution within its range is restricted to

olive-gray breast and pale yellowish belly. Two wingbars visible. Eye-ring faint or absent.

Paz
Maricopa
Mohave
Navajo Pima
Pinal Santa Cruz
Yavapai
Yuma

riparian corridors. Difficult to distinguish from other members of the Empidonax complex by sight alone. Training seminar required for those conducting flycatcher surveys. Critical habitat was set aside by the 10th Circuit Court of Appeals (May 17, 2001).

Yuma clapper rail *Rallus longirostris yumanensis*

Endangered

Water bird with long legs and short tail. Long slender decurved bill. Mottled brown or gray on its rump. Flanks and undersides are dark gray with narrow vertical stripes producing a barring effect.

Gila La Paz
Maricopa
Mohave
Pinal Yuma

< 4,500 ft

Fresh water and brackish marshes.

Species is associated with dense emergent riparian vegetation. Requires wet substrate (mudflat, sandbar) with dense herbaceous or woody vegetation for nesting and foraging. Channelization and marsh development are primary sources of habitat loss.

▼ 3) Candidate

1

Yellow-billed cuckoo *Coccyzus americanus*

Candidate

Medium sized bird with a slender, long-tailed profile, slightly down-curved bill, which is blue-black with yellow on the lower half of the bill. Plumage is grayish-brown above and white below, with rufous primary flight feathers.

Apache
Cochise
Coconino
Gila Graham
Greenlee La Paz
Maricopa
Mohave
Navajo Pima
Pinal Santa Cruz
Yavapai
Yuma

< 6,500 ft

Large blocks of riparian woodlands (Cottonwood, willow, or tamarisk galleries).

Species was found warranted, but precluded for listing as a distinct vertebrate population segment in the western U.S. on July 25, 2001. This finding indicates that the Service has sufficient information to list the bird, but other, higher priority listing actions prevent the Service from addressing the listing of the cuckoo at this time.

▼ 4) Conservation Agreement

1

Flat-tailed horned lizard *Phrynosoma mcallii*

Conservation Agreement

Typical flattened body shape of horned lizards;

Yuma

500 ft

Sandy flats or areas with fine, windblown sand; creosote-white






Conservation Agreement finalized in May 1997. Proposed rule reinstated in

dark vertebral stripe; lacks external ear openings; color is cryptic ranging from pale gray to light rust brown; has two rows of fringed scales on each side of body.

bursage series of Sonoran Desert

December 2001. Species also found in portions of San Diego County, central Riverside County, and Imperial County, California; also Sonora and Baja California, Mexico.

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YAVAPAI	REPTILE	THAMNOPHIS RUFIPUNCTATUS	NARROW-HEADED GARTER SNAKE	SC		S	WSC	
YAVAPAI	REPTILE	XANTUSIA ARIZONAE	ARIZONA NIGHT LIZARD			S		
YUMA	BIRD	ARDEA ALBA	GREAT EGRET				WSC	
YUMA	BIRD	ARDEA HERODIAS	GREAT BLUE HERON					
YUMA	BIRD	BUBULCUS IBIS	CATTLE EGRET					
YUMA	BIRD	COCCYZUS AMERICANUS OCCIDENTALIS	WESTERN YELLOW-BILLED CUCKOO	C		S	WSC	
YUMA	BIRD	EGRETTA THULA	SNOWY EGRET				WSC	
YUMA	BIRD	EMPIDONAX TRAILLII EXTIMUS	SOUTHWESTERN WILLOW FLYCATCHER	LE		S	WSC	
YUMA	BIRD	GLAUCIDIUM BRASILIANUM CACTORUM	CACTUS FERRUGINOUS PYGMY-OWL	LE			WSC	
YUMA	BIRD	HIMANTOPUS MEXICANUS	BLACK-NECKED STILT					
YUMA	BIRD	IXOBRYCHUS EXILIS HESPERIS	WESTERN LEAST BITTERN	SC			WSC	
YUMA	BIRD	LATERALLUS JAMAICENSIS COTURNICULUS	CALIFORNIA BLACK RAIL	SC		S	WSC	
YUMA	BIRD	RALLUS LONGIROSTRIS YUMANENSIS	YUMA CLAPPER RAIL	LE			WSC	
YUMA	FISH	XYRAUCHEN TEXANUS	RAZORBACK SUCKER	LE		S	WSC	
YUMA	MAMMAL	ANTILOCAPRA AMERICANA SONORIENSIS	SONORAN PRONGHORN	LE		S	WSC	
YUMA	MAMMAL	ANTROZOUS PALLIDUS	PALLID BAT					
YUMA	MAMMAL	BAT COLONY						
YUMA	MAMMAL	BAT FORAGING SITE	HIGH NETTING CONCENTRATION					
YUMA	MAMMAL	CORYNORHINUS TOWNSENDII PALLESCENS	PALE TOWNSEND'S BIG-EARED BAT	SC				
YUMA	MAMMAL	EUDERMA MACULATUM	SPOTTED BAT	SC	S		WSC	
YUMA	MAMMAL	EUMOPS PEROTIS CALIFORNICUS	GREATER WESTERN MASTIFF BAT	SC				
YUMA	MAMMAL	LASIURUS XANTHINUS	WESTERN YELLOW BAT				WSC	
YUMA	MAMMAL	MACROTUS CALIFORNICUS	CALIFORNIA LEAF-NOSED BAT	SC	S		WSC	
YUMA	MAMMAL	MYOTIS CALIFORNICUS	CALIFORNIA MYOTIS					
YUMA	MAMMAL	MYOTIS YUMANENSIS	YUMA MYOTIS	SC				
YUMA	MAMMAL	NYCTINOMOPS FEMOROSACCUS	POCKETED FREE-TAILED BAT		S			
YUMA	MAMMAL	PEROMYSCUS EREMICUS EREMICUS	CACTUS MOUSE					
YUMA	MAMMAL	SIGMODON HISPIDUS EREMICUS	YUMA HISPID COTTON RAT	SC				
YUMA	MAMMAL	TADARIDA BRASILIENSIS	MEXICAN FREE-TAILED BAT					
YUMA	PLANT	ALLIUM PARISHII	PARISH ONION		S			SR
YUMA	PLANT	ASTRAGALUS INSULARIS	SAND FLAT MILK-VETCH					
YUMA	PLANT	ASTRAGALUS MAGDALENAE VAR PEIRSONII	PEIRSON'S MILKVETCH	LT				
YUMA	PLANT	BERBERIS HARRISONIANA	KOFA BARBERRY		S			
YUMA	PLANT	CALANDRINIA AMBIGUA	ROCK PURSLANE					
YUMA	PLANT	COLUBRINA CALIFORNICA	CALIFORNIA SNAKEWOOD					
YUMA	PLANT	CROTON WIGGINSII	DUNE CROTON					
YUMA	PLANT	CRYPTANTHA GANDERI	GANDER'S CRYPTANTHA	SC				
YUMA	PLANT	DRYMARIA VISCOSA						
YUMA	PLANT	ECHINODORUS BERTEROI	UPRIGHT BURRHEAD					
YUMA	PLANT	ERIGERON LOBATUS	LOBED FLEABANE					
YUMA	PLANT	ERIOGONUM DESERTICOLA	DESERT WILD-BUCKWHEAT					
YUMA	PLANT	ERYNGIUM NASTURTIIFOLIUM	HIERBA DEL SAPO					

YUMA	PLANT	EUCNIDE RUPESTRIS	FLOR DE LA PIEDRA					
YUMA	PLANT	EUPHORBIA PLATYSPERMA	DUNE SPURGE	SC				
YUMA	PLANT	HELIANTHUS NIVEUS SSP TEPHRODES	DUNE SUNFLOWER	SC				
YUMA	PLANT	LOPHOCEREUS SCHOTTII	SENITA					SR
YUMA	PLANT	NEMACAU LIS DENUDATA	WOOLLY HEADS					
YUMA	PLANT	OPUNTIA ECHINOCARPA	STRAW-TOP CHOLLA					SR
YUMA	PLANT	PETALONYX LINEARIS	LONGLEAF SANDPAPER PLANT		S			
YUMA	PLANT	PHOLISMA SONORAE	SAND FOOD	SC	S			HS
YUMA	PLANT	PILOSTYLES THURBERI	THURBER PILOSTYLES					
YUMA	PLANT	POLYGONUM FUSIFORME	NEEDLES KNOTWEED					
YUMA	PLANT	RHUS KEARNEYI	KEARNEY SUMAC		S			SR
YUMA	PLANT	SELAGINELLA EREMOPHILA	DESERT SPIKE MOSS					
YUMA	PLANT	STEPHANOMERIA SCHOTTII	SCHOTT WIRE LETTUCE		S			
YUMA	PLANT	STILLINGIA LINEARIFOLIA	LINEARLEAF SAND SPURGE					
YUMA	PLANT	STILLINGIA SPINULOSA	SPINY SAND SPURGE					
YUMA	PLANT	TETRACOC CUS FASCICULATUS VAR HALLII	HALL SHRUB SPURGE					
YUMA	PLANT	TEUCRIUM GLANDULOSUM	DESERT GERMANDER					
YUMA	PLANT	TRITELEIOPSIS PALMERI	BLUE SAND LILY		S			SR
YUMA	PLANT	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM					SR
YUMA	REPTILE	CHARINA TRIVIRGATA GRACIA	DESERT ROSY BOA	SC	S	S		
YUMA	REPTILE	CROTAPHYTUS NEBRIUS	SONORAN COLLARED LIZARD					
YUMA	REPTILE	POPULATION)	SONORAN DESERT TORTOISE	SC				WSC
YUMA	REPTILE	HELODERMA SUSPECTUM CINCTUM	BANDED GILA MONSTER	SC	P			
YUMA	REPTILE	PHRYNOSOMA MCALLII	FLAT-TAIL HORNED LIZARD	PT				WSC
YUMA	REPTILE	SAUROMALUS OBESUS TUMIDUS	ARIZONA CHUCKWALLA	SC	S			
YUMA	REPTILE	UMA NOTATA RUFOPUNCTATA	COWLES FRINGE-TOED LIZARD	SC	S	S		WSC

APPENDIX C
CORRESPONDENCE





THE STATE OF ARIZONA

GAME AND FISH DEPARTMENT

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STEVE K. FERRELL



November 5, 2004

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

Re: Draft Environmental Assessment (EA) for Proposed Installation of Permanent Lighting and a Border Infrastructure System, Office of Border Patrol Yuma Sector, Arizona

Dear Mr. Doles:

The Arizona Game and Fish Department (Department) has reviewed the Draft Environmental Assessment (EA) for the proposed installation of permanent lighting and infrastructure. The project proposal is designed to increase border security and to reduce the level of illegal entrants crossing the Mexico-U.S. border in the Yuma Station's Area of Operation (AO) along the San Luis international border and northward to include a portion of the Colorado River, both being the highest traffic areas for illegal entrants in the Yuma Station's AO. The Department appreciates the opportunity to provide the following comments during the Draft phase of this document:

As indicated in the EA, the Preferred Alternative, Alternative 1, includes the construction or installation of the following features: permanent stadium style lights, extension of primary border fence, secondary border fence, all-weather patrol road, maintenance road, and security fence. Alternative 2 would construct lights only, and Alternative 3 would include the construction and installation of stadium style lights, a drag road, and an all-weather patrol road, however, the secondary fence, maintenance road, cleared enforcement zone, and security fence would not be installed. Also to further clarify, in section 2.1.2 Extension of Primary Border Fence, the existing primary border fencing is described as a vehicle barrier rather than an impediment to people. Diagrams or photographs of the primary border fence were not provided.

The Department's mission includes the conservation, enhancement and restoration of Arizona's diverse wildlife resources and habitats through aggressive protection and management programs. The Department is concerned with the impacts to all wildlife including those species that are federally listed and those species that are not listed. The stadium-style lighting that may be installed from the border area northward to Gadsden has the potential to impact riparian obligate species. The lights and noise of border activities within this region will decrease the likelihood of wildlife inhabiting those areas. The Heritage Data Management System (HDMS) was accessed and a list of special status species known to occur in the region of the Town of Gadsden is enclosed. Your Section 4.0 Environmental Consequences, should be expanded to include the

Mr. Mark Doles
November 5, 2004
2

additional species on the attached HDMS list and other wildlife generally known to occur in the area. An assessment of potential impacts to wildlife as a result of construction and daily activity should be addressed in the EA and how you will mitigate for those impacts.

The Department appreciates the challenges facing the Department of Homeland Security in securing our borderlands. However, the Department strongly urges the consideration of only those alternatives that allow wildlife permeability. The fences being proposed in the Preferred Alternative, Alternative 1 are depicted in Photograph 2-2 (Mat Fence) and 2-3 (Sandia Fence). These two fence designs appear to be 100% impermeable to wildlife consisting of 6-ft high panels that have no openings at ground level. The EA also indicates in Section 2.1.2 Extension of Primary Border Fence, that the "remainder of the border is currently a triple strand, barbed wire fence." The Department is recommending only fencing designs that allow for the continued movement of wildlife between the Mexico – U.S. border be incorporated into this project, if the Preferred Alternative 1 is selected.

Alternative 1 also results in the greatest amount of road construction and loss of undeveloped land (desert and agriculture). Increased road construction increases vehicle activity and speeds that result in a greater likelihood of wildlife injury, mortality, or modification of behavior during important life cycle periods. Also, if Preferred Alternative 1 is selected, this will represent the largest impact to undeveloped land (desert and agriculture) and has the greatest potential to impact burrowing owl habitat. The Department is enclosing a brochure which provides information on the benefit of installing artificial burrows prior to any construction or capture activities.

The Department believes this EA is inadequate in addressing potential impacts and mitigation proposals for wildlife. As in all border activities, the Department is willing to meet with you to discuss alternative project components that could meet borderland security needs and the needs of wildlife. If you have any questions, or would like further clarification on this letter, please contact Rebecca Davidson, Project Evaluation Program Supervisor, at (602) 789-3602.

Sincerely,



Bob Broscheid
Habitat Branch Chief

Enclosures

cc: Rebecca Davidson, Project Evaluation Program Supervisor, Habitat Branch
Russ Engel, Habitat Program Manager, Region IV

SPECIAL STATUS SPECIES WITHIN AND SOUTH OF GADSDEN
(Gadsden to 3 miles south with a 1-mile Buffer)

NAME	COMMON NAME	ESA	USFS	BLM	WSCA	NPL
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SC		S		
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	C	S		WSC	
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE	S		WSC	
<i>Rallus longirostris yumanensis</i>	Yuma Clapper Rail	LE			WSC	
<i>Sigmodon hispidus eremicus</i>	Yuma Hispid Cotton Rat	SC				

No Designated Critical Habitat

Arizona Game & Fish Department, Heritage Data Management System
Evelyn Allegretto, Project Evaluation Specialist

Project Name:

Draft EA for USBP, Permanent Lighting, Yuma Sector, Arizona
11/05/04

AGFD #: 10/07/04 (01)

The Burrowing

Owl Project

The Burrowing Owl is a beneficial raptor that lives in underground burrows

and eats mice and

insects. Because the

owl is active during

the day, nearby resi-

dents become very

attached to them and

protective of their

welfare.

Unfortunately, in

the past, heavy

equipment

has been

used to pre-



pare a site while the owls were still living there, in many cases killing the adult owls and burying baby owls in the nest. No one would deliberately chop down a tree with an eagle on a nest, yet that is what is happening to the Burrowing Owl. Because this bird lives underground, it is not immediately apparent that there are protected birds in danger. Moving the birds out of the way is very inexpensive compared to a project delay. A licensed specialist, such as Wild At Heart in Cave Creek, Arizona, can remove the owls and relocate them to an area that won't be developed.

For More Information

- To report the location of a Burrowing Owl burrow that lies in the path of development, or to request help in removing an owl, contact:

Bob Fox

Wild At Heart

31840 North 45th Street

Cave Creek, Arizona 85331

(480) 595-5047

- To request help in finding or evaluating a site for artificial burrows, contact:

Greg Clark

Burrowing Owl Project

650 South 79th Street

Chandler, Arizona 85226

(480) 961-4047

- Visit the Burrowing Owl Project web site at <http://mirror-pole.com> for details about owl removal, relocation and burrow installation locations.

- For more information about Arizona Partners in Flight contact:

Jennifer Martin

Arizona Partners in Flight

Arizona Game and Fish Dept.

2221 W. Greenway Road

Phoenix, Arizona 85023-4399

(602) 789-3576

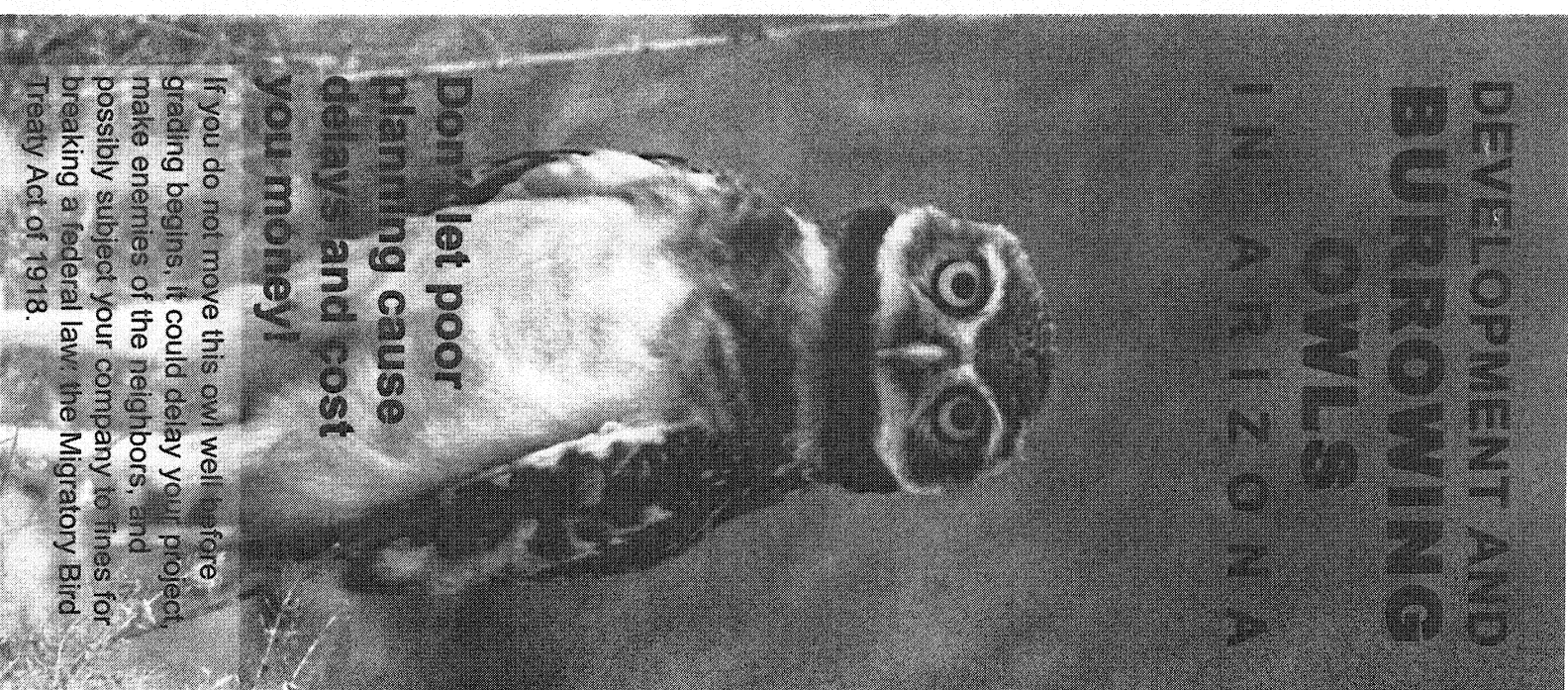
jmartin@gf.state.az.us

DEVELOPMENT AND BURROWING OWLS

IN ARIZONA

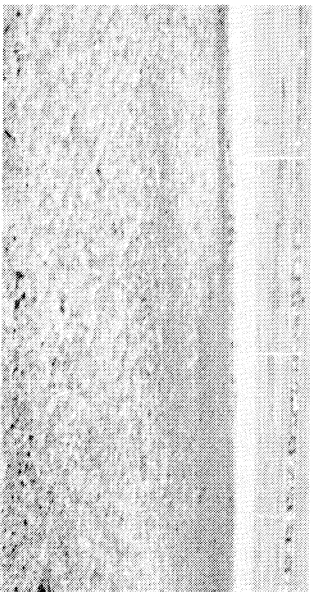
**Don't let poor
planning cause
delays and cost
you money!**

If you do not move this owl well before grading begins, it could delay your project, make enemies of the neighbors, and possibly subject your company to fines for breaking a federal law: the Migratory Bird Treaty Act of 1918.



Where Are the Owls Found?

It is possible to find Burrowing Owls anywhere in Arizona where the land is flat and open. The most likely locations are near agricultural fields where the burrows are found in dirt canal banks

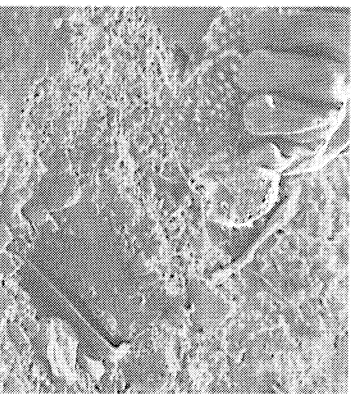


and culvert pipes. Burrowing Owls are also found in undisturbed desert and grassland areas where the vegetation is sparse and there are very few big trees.

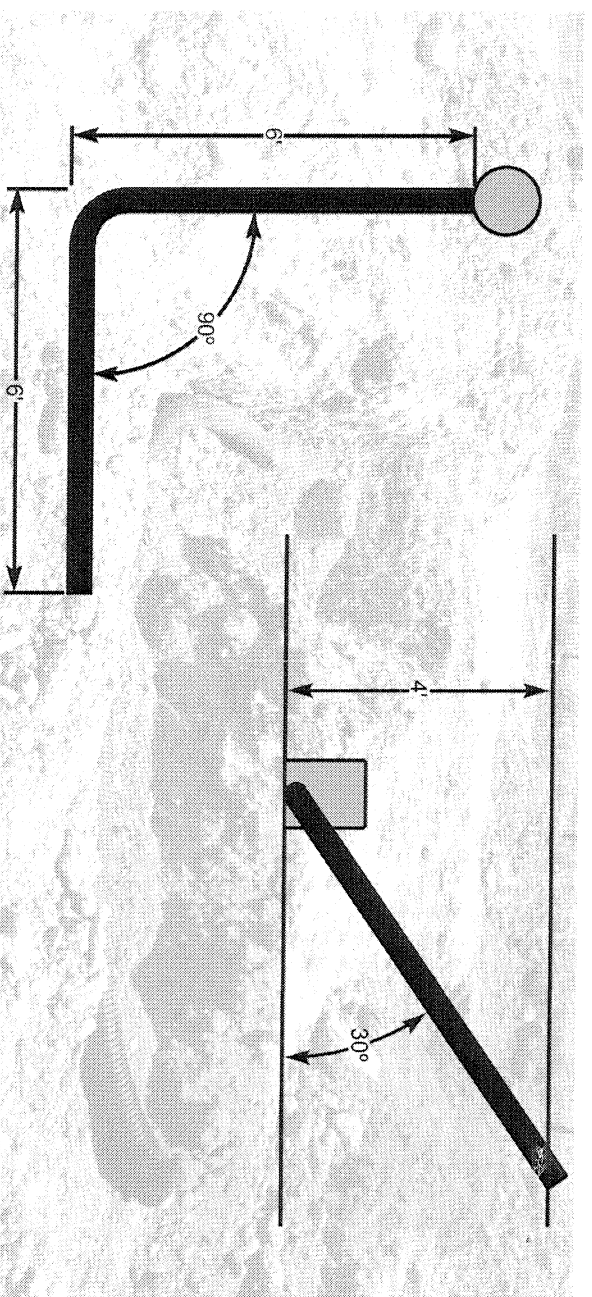
What is Relocation?

Burrowing Owls can be safely captured by an expert and held for later release. Typically, the site for the release is designed within

or near the development, and artificial burrows are installed in advance of capture.



The cost of materials for a burrow is only \$10, and digging the hole for installation is quick and easy with a backhoe.

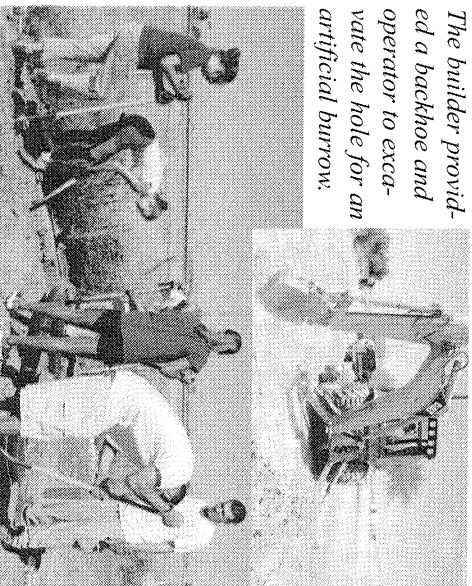


An artificial burrow consists of one five-gallon plastic bucket and 12 feet of perforated drain pipe.

Be Part of the Solution

Burrowing Owls are a valuable addition to a development. Wholly beneficial, they catch insects, such as scorpions, and rodents that most people would rather not have around. In addition, the owls can be an important educational resource for schools and children.

The builder provided a backhoe and operator to excavate the hole for an artificial burrow.



ASU students digging a hole for an artificial burrow.

Partners in Flight

Partners in Flight

is an international cooperative program of agencies, organizations, and individuals committed to conserving our neotropical migratory and native land birds.

Arizona Partners in Flight

(APIF) is a subgroup of this international program. Its goal is to maintain healthy populations of Arizona's birds and their habitats.

This brochure was created as part of the Partners in Flight Conservation Initiative. Through improved habitat management and environmental awareness, Partners in Flight strives to reverse the declining numbers of many North American bird species and to work toward keeping common birds common.

BUREAU OF LAND MANAGEMENT
YUMA FIELD OFFICE
2555 EAST GILA RIDGE ROAD
YUMA, ARIZONA 85365
928-317-3200

ADMINISTRATION FAX
(928) 317-3250

FIRE FAX
(928) 317-3350

TELECOPIER TRANSMITTAL SHEET

DATE: 11/7/04 DELIVER TO: MARK DOLES
OFFICE CODE: AZ 320 FAX #: (817) 886-6499
FROM: STEPHEN FUSILIER SENDER'S PHONE # 928-317-3296
OPERATOR: STEPHEN FUSILIER
NUMBER OF PAGES (INCLUDING TRANSMITTAL SHEET): 4
COMMENTS: _____

IF TELECOPIER DOES NOT TRANSMIT PROPERLY

PLEASE CALL FAX OPERATOR AT
(928) 317-3248

OR FIRE FAX OPERATOR
(928) 317-3266

Comments from Sandra Arnold, Archeologist, BLM Yuma Field Office:

BLM needs a copy of the Northland cultural report in order to review the EA. If Northland's cultural resources survey included Yuma Field Office land in its project boundaries, Northland needed to submit a BLM fieldwork authorization request form prior to fieldwork. In addition, Northland should have coordinated the project with the Yuma Field Office archaeologist, and a draft of the report needed to be submitted to the Yuma Field Office for review and comment. Please see the BLM Cultural Resource Use Permit (CRUP) handbook for more information. If the Northland survey did not include Yuma Field Office lands, the EA needs to address how environmental consequences to cultural resources were assessed for BLM lands without an inventory survey.

Comments from Roger Oyler, Range Management Specialist:

Need to include the comments below or similar language to cover BLM Critical Element – Standards for Rangeland Health:

Chapter 2. Affected Environment

Standards for Rangeland Health

The Arizona Standards for Rangeland Health and Guidelines for Grazing Administration was approved in April 1997. The Standards apply to all lands managed by the Bureau of Land Management. A majority of the lands managed by the Bureau within the project area are previously disturbed and committed to other activities. The lands in this area are in compliance with the Arizona Standards for Rangeland Health.

Chapter 3. Environmental Consequences

Standards for Rangeland Health

The proposed action would have no impact on compliance with the Arizona Standards for Rangeland Health.

Comments from Francis Rodriguez, Realty Specialist, BLM Yuma Field Office:

Report Title: Environmental Assessment for the Installation of Permanent Lighting and a Border Infrastructure System

Comments:

Executive Summary, Preferred Action: does not mention the 150-foot enforcement zone

Figure 2-1, Phase I Project Location: The "wastewater treatment plant" label is on the wrong building

Alternatives, 2.1 Alternative 1: Preferred Action Alternative: Sixth paragraph, fourth sentence, the OBP would not lease land from the Bureau of Land Management (BLM). The OBP would obtain a right-of-way reservation for a perpetual term on BLM managed lands.

Figure 2.4, Road Cross-Section Schematic: This figure mentions utility lines. Will Arizona Public Service (APS) provide electricity for the lights? If not, how will the BP obtain electric service? If APS will provide electricity for the lights, APS might need to apply for a separate right-of-way to extend their powerlines to public lands.

Alternatives, 2.1 Alternative 1: Preferred Action Alternative: When will Phase I, Phase II, and Phase III be implemented, if approved?

Environmental Features, 3.1 Land Use: Fourth paragraph, second sentence: The OBP does not have a 60-foot right-of-way north of the U.S.-Mexico border. The 60-foot enforcement zone along the border is considered a withdrawal. This withdrawal was established by a Presidential Proclamation.

Comments from Stephen Fusilier, Acting Assistant Field Manager, Resources, Lands, and Minerals:

As Francis mentioned above the map (Figure 2-1) the Wastewater Treatment Plant label is in the wrong spot, it is actually further west next to the agricultural fields.

As Francis mentioned above the OBP would not lease from BLM but would get a right-of-way (R/W) for the additional 90 feet (they already have the first 60 feet due to the Presidential Proclamation (you might want to mention this about the first 60 feet). Please contact me to discuss wording related to the 90 foot R/W as OBP would probably want to actually get this area withdrawn as that gives them more authority over the land.

As Francis mentioned one thing that will need to be considered is that any utilities such as APS will need to get their own R/W for their lines across public lands.

In the description of the project you need to better describe the area where you propose to jog north just west of Friendship Park because this is quite a bit more than 90 feet past the present 60-foot Presidential Proclamation area.

An additional problem with this jog north is that this would remove from access the area the City of San Luis was looking at for expanding Friendship Park.

Page 3-1, first paragraph - add the following BLM Critical Elements – Areas of Critical Environmental Concern, Wilderness, and Wild and Scenic Rivers – all not impacted because none present in the area.

Page 3-8, Section 3.3.1, you need to discuss Non-Native Invasive Species – a BLM Critical Element

Page 3-26, first line, third paragraph, need to add \$ sign to 2.8 million

Page 4-2, Section 4.1.1 and 4.1.3, need to include description of impact to Friendship Park

Page 4-3, Section 4.2.1 and page 4-4, Section 4.2.3, Need to address how many acres of farmland presently in use would be loss under these alternatives

Page 4-4, Section 4.3.1, you need to discuss Non-Native Invasive Species – possible consequences of the proposed actions on this BLM Critical Element – mitigation for this Critical Element such as washing construction equipment that is coming in from other areas before it is take on to public lands so you do not bring new Non-Native Invasive Species into the area, etc.

Page 4-19, first full paragraph - You say that San Luis plans to close Friendship Park but from the discussions we have had with BLM, San Luis, and the BP this is incorrect. They do not plan to close the park, instead the BP is to do an Environmental Site Assessment and a survey of the land (working with BLM Cadastral Survey) needed for the project. If the land is clean the City will relinquish that part of the park needed by the BP to the BLM then the BLM will issue the BP a R/W and possibly eventually a withdrawal for the land.

There is also a potential problem caused by the jog to the north just past Friendship Park. This is where the City was looking at possibly expanding the park west to make up for the land lost to the BP but the way it looks with the map in the EA this piece of land would be blocked from use by the new fence. Part of the problem is that you do not use legal descriptions and the scale of the map is such that it is hard to see exactly how close to the park this jog north is and if it would affect the lot immediately to the west of Friendship Park or not. (This also should be addressed under the Land Use sections).

Page 4-24, under Arizona Department of Transportation – you list Route 195 – question Do you mean the Area Service Highway which you do not discuss but is a major road proposed from the new Port of Entry to I-8? This should be discussed but it is not 67 miles long it is closer to 20 some miles. I believe it is also called State Route 195.

In Section 5 you discuss how you will handle hazardous and regulated waste and spills if they occur but you fail to discuss solid waste and how that will be handled. During construction at least you will have solid waste – trash from the workers, unused and waste construction material, etc., please discuss how this would be handled as the BLM Critical Element concerns – Waste, Hazardous and Solid.

If you have any questions please contact me by email at Stephen_Fusillier@blm.gov or by telephone at (928) 317-3296.



Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CPSWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102
Fax: 817-886-6499

RE: Draft Environmental Assessment for the Installation of Permanent Lighting and a Border Infrastructure System, Yuma Sector, Arizona

Mr. Doles,

With this draft environmental assessment, the Department of Homeland Security (DHS) is in violation of the National Environmental Policy Act for failing to substantiate a need for this project, and for failing to adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. In addition, this draft fails to adequately address the impacts the proposed actions would have on people (Human Rights concerns) and Indigenous communities.

The Conference of Major Superiors of Men, representing the Catholic religious institutes in the United States, many of whom have members living and working on the Mexico-U.S. border and are aware of the plight of migrants in the area, is concerned about the impact that the Preferred Action of the environmental assessment will have a severe negative impact on the people of the region, migrants, and the delicate environment. It is tragic that the most vulnerable people of our world and the most abused areas of environmental abuse are intimately linked. How sad that we would be willing to destroy this eco-system along the U.S. border in order to make it weapon in an attempt to stem the flow of migrants and refugees into the U.S. and desecrate land sacred to the Indigenous peoples.

On behalf of the 20,000 brothers and priests represented by CMSM, I urge you to accept the "No Action" alternative addressed in the Draft Environmental Assessment and not proceed with the proposed action.

The continued actions of militarizing and sealing the U.S.-México border do not address the true root causes of migration, and will do nothing to stop the death and havoc wreaked upon border communities and migrants alike. On the contrary, this assessment acknowledges that "[migrant] fatalities could also potentially occur in the remote areas east and west of the project corridor." This would shift migrant traffic onto the Barry M. Goldwater Range, which has nine bombing and gunnery ranges scattered within the 2 million-acre facility, and is used by the military to conduct tactical training using live ordnances as well as practice bombs. Endangering the lives of migrants by knowingly shifting them into harm's way is not only irresponsible, but morally reprehensible, and is absolutely unacceptable as a strategy to deter migrant traffic.

The Preferred Action of this EA, and the continued militarization of the border, will infringe upon the culture and traditions of Indigenous peoples. The proposed stadium style lights, which are in three of the four alternatives, call for the installation of lighting partly onto Cocopah land. As migrant traffic will undoubtedly shift north of the lighting, this will mean that the Cocopah will be burdened with an increase in migrant activity. As has been seen with the Tohono O'odham Nation, this foretells of increased militarization imposed upon sovereign peoples, as well as the tragic deaths that will inevitably occur on sacred lands. This will further compound the problems that Indigenous communities have been experiencing since militarization tactics began in the mid 1990s. The rights of mobility and passage of all

Conference of Major Superiors of Men
8808 Cameron Street
Silver Spring, MD 20910

301-588-4030
Fax 301-587-4575
www.cmsm.org

- † supporting major superiors in their role as leaders
- † promoting dialogue and collaboration with the conference of bishops and other major groups in church and society
- † providing a corporate influence in church and society

Indigenous peoples must be respected, and consideration given for the affected members, especially in the installation of stadium lighting which will directly affect these communities.

The preferred alternative will irreparably harm the state-protected Flat-tailed horned lizard by potentially resulting in the direct killing of lizards during construction, and by redirecting migrant traffic onto the Yuma Desert Management Area, which was established specifically for the lizard. The preferred alternative will also harm the federally endangered Southwestern willow flycatcher by placing high voltage stadium lights within what is considered by the Arizona Game and Fish Department to be well-used and high quality stopover habitat, and potential breeding habitat for the bird.

It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources, route individuals to horrific deaths, and trample the sovereignty and rights of Indigenous people. This is an issue I am very interested in and I would like to receive all future documents, Environmental Assessments, Environmental Impact Statements and notices regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stan De Boe", followed by the number "0556".

Rev. Stan De Boe, OSST

Director

Office of Justice and Peace

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102

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The continued actions of militarizing and sealing the U.S.-Mexico border do not address the true root causes of migration, and will do nothing to stop the death and havoc wreaked upon border communities and migrants alike. On the contrary, this assessment acknowledges that [migrant] fatalities could also potentially occur in the remote areas east and west of the project corridor. This would shift migrant traffic onto the Barry M. Goldwater Range, which has nine bombing and gunnery ranges scattered within the 2 million-acre facility, and is used by the military to conduct tactical training using live ordnances as well as practice bombs. Endangering the lives of migrants by knowingly shifting them into harm's way is not only irresponsible, but morally reprehensible, and is absolutely unacceptable as a strategy to deter migrant traffic.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Heidi Kennedy".

Heidi Kennedy
222 W. Clarendon Ave. #330
Phoenix, AZ 85013

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102
Fax: 817-886-6499

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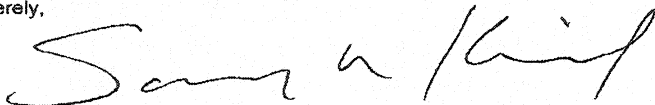
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regarding Department of Homeland Security, Border Patrol and Joint Task Force Six activities within the Tucson and Yuma Sectors.

Sincerely,



S. Kil
623 S. Main Ave
Apt #3 Tucson AZ 85701

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
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The preferred alternative will irreparably harm the state-protected Flat-tailed horned lizard by potentially resulting in the direct killing of lizards during construction, and by redirecting migrant traffic onto the Yuma Desert Management Area, which was established specifically for the lizard. The preferred alternative will also harm the federally endangered Southwestern willow flycatcher by placing high voltage stadium lights within what is considered by the Arizona Game and Fish Department to be well-used and high quality stopover habitat, and potential breeding habitat for the bird.

It is obvious that the United States must develop a humane border policy that will not destroy our precious natural resources, route individuals to horrific deaths, and trample the sovereignty and rights of Indigenous people. .

Sincerely,

Walt Linder
POB 1572
Tucson, AZ
85702

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102

RE: Draft Environmental Assessment for the Installation of Permanent Lighting and a Border Infrastructure System, Yuma Sector, Arizona

Mr. Doles,

With this draft environmental assessment, the Department of Homeland Security (DHS) is in violation of the National Environmental Policy Act for failing to substantiate a need for this project, and for failing to adequately analyze potential direct and indirect impacts, as well as the cumulative impacts of all federal and non-federal agencies. In addition, this draft fails to adequately address the impacts the proposed actions would have on people (Human Rights concerns) and Indigenous communities. **I contend that the Department of Homeland Security must follow the "No Action" alternative addressed in the Draft Environmental Assessment and not proceed with the proposed action.**

The continued actions of militarizing and sealing the U.S.-Mexico border do not address the true root causes of migration, and will do nothing to stop the death and havoc wreaked upon border communities and migrants alike. On the contrary, this assessment acknowledges that [migrant] fatalities could also potentially occur in the remote areas east and west of the project corridor. This would shift migrant traffic onto the Barry M. Goldwater Range, which has nine bombing and gunnery ranges scattered within the 2 million-acre facility, and is used by the military to conduct tactical training using live ordnances as well as practice bombs. Endangering the lives of migrants by knowingly shifting them into harm's way is not only irresponsible, but morally reprehensible, and is absolutely unacceptable as a strategy to deter migrant traffic.

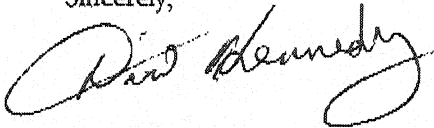
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Sincerely,

A handwritten signature in black ink, appearing to read "David Kennedy", with a large, stylized loop at the end.

David Kennedy
222 W. Clarendon Ave. #330
Phoenix, AZ 85013

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102
Fax: 817-886-6499

RE: Draft Environmental Assessment for the Installation of Permanent Lighting and a Border Infrastructure System, Yuma Sector, Arizona

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Sincerely,

Jerry Wharton
John Putz - Wharton
5033 East 23rd Street
Tucson, AZ 85711

Mr. Mark Doles
U.S. Army Corps of Engineers
Fort Worth District
ATTN: CESWF-PER-EE
819 Taylor Street
Fort Worth, TX 76102
Fax: 817-886-6499

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Sincerely,


6130 S. CAMINO DE LA TIERRA
TUCSON, AZ 85746



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

Reply to
Attention of

October 13, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: The Proposed Installation of Border Security Infrastructure Near San Luis, Arizona.

Mr. Steve Spangle
U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Tel: (602) 242-0210
Fax: (602) 242-2513

Dear Mr. Spangle:

This letter is to address the proposed installation of Border Security Infrastructure Near San Luis, Office of Border Patrol (OBP) Yuma Station, Yuma Sector, Arizona. It has been determined that the proposed action may affect, but is not likely to adversely affect the Federally endangered southwestern willow flycatcher (*Empidonax traillii extimus*), and Yuma clapper rail (*Rallus longirostris yumanensis*).

Description of the Project and Project Location

The proposed project area is located along the U.S.-Mexico border within Yuma County. Projects are proposed within the city of San Luis from the Colorado River to Avenue C and along the Colorado River north to the city of Gadsden. The proposed project encompasses approximately 12 miles and would be constructed in three phases (Figure 1).

Phase I would be constructed first and includes the areas west of the San Luis Port-of-Entry (POE) to the Colorado River (Figure 2). Stadium style lights, secondary border fence, an all-weather patrol road, and a maintenance road would be constructed along a 2-mile corridor. The enforcement zone in this area would be 150 feet from the primary fence except for those areas where it deviates north to avoid the existing canals. Also included in Phase I is approximately one mile of stadium style lights along the levee north of the San Luis wastewater treatment facility. This area is commonly used by illegal entrants (IE) attempting to reach residential developments in the area. Stadium style lights are proposed to illuminate the agricultural fields west of the levee.

Phase II would be constructed next, as funding becomes available, and includes the construction of stadium styles lights, a secondary fence, an all-weather patrol road, and a maintenance road along a 7-mile corridor east of the San Luis Industrial Park (Figure 3). The primary border fence would be extended 3.6 miles from its current terminus east to Avenue C. The enforcement zone along this corridor would be 150 feet from the primary border fence. The enforcement zone would narrow between the San Luis POE and the east boundary of the San Luis Industrial Park. The first 140 feet east of the San Luis POE would have a 60-foot wide enforcement zone. The next 1,200-foot east would have a 110-foot wide enforcement zone. No maintenance road would be constructed from the San Luis POE to the east boundary of the San Luis Industrial Park.

Phase III would be constructed last and includes the construction of stadium style lights along an approximately 3-mile corridor near Gadsden, Arizona (Figure 4). The lights would be located along the levee east of the Colorado River to illuminate agricultural fields commonly crossed by IEs attempting to reach the residential areas of Gadsden.

The need for the proposed action is to halt the continual influx of IEs and smugglers into the San Luis area by effecting a permanent deterrence through a certainty of detection and apprehension and improve safety conditions for the OBP agents. The purpose and objectives of the proposed action is to provide for integration of infrastructure and technology into the current strategy of the OBP, which would reduce the current enforcement footprint and insure a more efficient and effective control of the border region. This would maximize the proactive deterrent enforcement capabilities of the OBP while gaining the necessary and desired permanent status of deterrence.

The OBP uses two styles of lights along the U.S.-Mexico border to aid in the detection of IEs crossing the border. Lights along the border afford the OBP agents better visibility at night when entries attempts are most common. Permanent, fixed stadium style lights are deployed in areas with utilities; and portable, diesel generator lights are used in remote areas or areas lacking utilities. Currently, approximately 27 portable lighting systems are also deployed along the U.S.-Mexico border in the vicinity of San Luis, Arizona, in the Yuma Station's Area of Operation (AO).

Stadium style lights are proposed to replace many of the existing portable lights or in areas without lights. The permanent lights would be placed 100 to 300 feet apart. The lights would be at a height of 50 to 80 feet with the angle of illumination facing downward (Figure 5). This would illuminate the area between the lights and the border for maximum detection effectiveness.

Stadium style lights would be the first element of the enforcement zone infrastructure constructed. The installation of permanent night illumination would be most cost effective infrastructure to implement immediately under the current sector's funding agenda. As funding becomes available, stadium style lights for each phase would be constructed. Other elements (*e.g.*, secondary fence, all-weather roads, etc.) would be constructed, in the future as funding becomes available.

Colorado River Riparian Area

The area of concern, relative to the southwestern willow flycatcher and Yuma clapper rail, is the Colorado River riparian area along the Phase III portion of the proposed project area. Approximately three miles of stadium style lighting would be installed along the agricultural fields to illuminate the area. The lights would be approximately 75 to 250 feet from the riparian area, varying based on the width of the adjacent agricultural area. The lights would be installed to illuminate the agricultural area and not to allow stray light into the Colorado River riparian area. There would be no ground disturbing or alterations within the Colorado River riparian area, as a result of the construction of the stadium style lights.

Although this area is within the Lower Colorado Recovery Unit for the southwestern willow flycatcher, the closest recorded flycatcher site to the proposed project area is located at the confluence of the Gila River with the Colorado River (USFWS 2002), approximately 20 miles north. There are no known flycatcher nesting sites within the proposed project area.

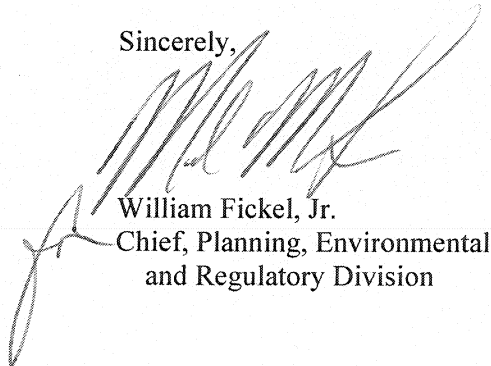
The Yuma Station's AO overlaps portions of the Yuma clapper rail's historic range along the Lower Colorado River. However, the proposed project area does not overlap with any of the known Yuma clapper rail breeding areas. Breeding areas include Mittry Lake (Arizona), West Pond, Imperial National Wildlife Refuge, Bill Wouldiams River, Topock Gorge and Topock Marsh on Havasu National Wildlife Refuge, Cibola National Wildlife Refuge, and Imperial Wildlife Area (Arizona Game and Fish Department 2001). The potential habitat for Yuma clapper rail within the proposed project area is degraded because of the diversion of water from the Colorado River into concrete canals for agricultural and water supply. Very little water flows within the riparian area and the riparian area does not include backwater marsh habitat preferred by the Yuma clapper rail.

The proposed action may benefit the southwestern willow flycatcher in reducing the number of IEs attempting to enter the U.S. through the Colorado River riparian area and adjacent agricultural fields. With increased detection and apprehension in this area, the number of IEs attempting to enter the U.S. would decrease. This would reduce disturbance to the riparian habitat by IEs and consequent OBP enforcement actions.

Construction for the installation of stadium style lights in the Phase I area could begin as early as March 2005. It is currently unknown when construction of stadium style lights would occur in the Phase III area. If construction occurs in Phase III during the breeding season (April 1 – September 1), pre-construction surveys for the presence of nesting southwestern willow flycatchers within the Colorado River riparian area would be instituted. Pre-construction surveys for breeding Yuma clapper rail would not be required because the riparian area is not considered suitable breeding habitat.

For the reasons described above, it has been determined that the proposed action may affect, but is not likely to adversely affect the southwestern willow flycatcher and no effect to the Yuma clapper rail. If we do not receive a response to the contrary within 30 days we will assume your concurrence with this determination. If you have any questions or require additional information please contact Mr. Mark Doles at (817) 886-1693.

Sincerely,



William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

References

Arizona Game and Fish Department. 2001. Yuma Clapper Rail. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix, AZ. 10pp.

U.S. Fish and Wildlife Service. 2002. Southwestern Willow Flycatcher Recovery Plan. Albuquerque, New Mexico. i-ix +210 pp., Appendices A-O.

Cc: Kevin Feeney, Customs and Border Protection
Joseph Lamphear, National Logistics Center, Laguna
Patience Patterson, USACE, Fort Worth District

Publisher's Affidavit of Publication

o0o

STATE OF ARIZONA }
COUNTY OF YUMA }

Exhibit 1.

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL ASSESSMENT FOR THE INSTALLATION OF PERMANENT LIGHTING AND BORDER SECURITY INFRASTRUCTURE OFFICE OF BORDER PATROL YUMA SECTOR, ARIZONA

The public is hereby notified of the availability of the Draft Environmental Assessment (EA) for the Installation of Permanent Lighting and Border Security Infrastructure in the Office of Border Patrol (OBP) Yuma Sector, Arizona. This EA addresses the potential impacts from installing approximately 13 miles of permanent stadium style lighting, the construction of 9 miles of all-weather road, secondary fence, maintenance road, and security fence, and the extension of 3.5 miles of primary border fence near San Luis, Arizona. The objective of the proposed project is to provide a deterrence to the continual influx of illegal entrants into the area through a certainty of detection and apprehension and increase the safety of the OBP agents. The Draft EA will be available for review on October 7, 2004 at the Yuma County Library in Yuma, Arizona; and the Yuma County Library (Wellton Library) in Wellton, Arizona. The draft EA can also be viewed via the Internet at the following address: <http://aerc.swf.usace.army.mil>. Send written comments to Mr. Mark Doles, U.S. Army Corps of Engineers-Fort Worth District, P.O. Box 17300 Fort Worth, Texas 76102-0300 or facsimile (817) 886-6499. Comments will be received until November 8, 2004.
Daily October 7, 2004 #L20215

Julie Moreno or Lee Knapp, having been first duly sworn, deposes

and says: that The Sun is a newspaper of general circulation

published daily in the City of Yuma, County of Yuma, State of Arizona;

that (s)he is the publisher or business manager of said paper; that the

EXHIBIT 1. NOTICE OF AVAILABILITY

a printed copy of which, as it appeared in said paper, is hereto attached

and made a part of this affidavit, was published in The Sun

For ONE issues; that the date of the first

publication of said EXHIBIT 1. NOTICE OF AVAILABILITY

was OCTOBER 7, 2004 and the date of the last publication

being OCTOBER 7, 2004 and that the dates when said

EXHIBIT 1. NOTICE OF AVAILABILITY

was printed and published in said paper were

OCTOBER 7, 2004

Subscribed and sworn to before me, by the said Julie Moreno or Lee Knapp

17th day of November, 2004

Virgen P. Perez Notary Public

My commission expires May 10, 2005





SJLPO- 2003 - 2535 / 20601

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

RECEIVED

JUL 13 2004

7/16/04
ARIZONA STATE PARKS

July 12 2004

Planning, Environmental and Regulatory Division

SUBJECT: Proposed Environmental Assessment (EA) for the installation of lights and fence, border security infrastructure near San Luis, Yuma Sector, U.S. Border Patrol, Arizona

Mr. James Garrison, State Historic Preservation Officer
ATTN: Joanne Medley
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Mr. Garrison:

In a letter dated December 4th, 2003, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the Department of Homeland Security, Customs and Border Protection (CBP) and the Border Patrol (USBP), initiated the consultation process with your office regarding the proposed project noted above.

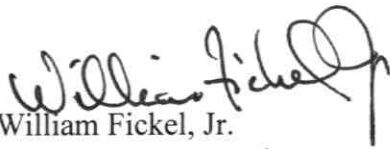
In that letter we noted that the appropriate archaeological surveys would take place in the respective APEs and the results of the data gathered will be presented along with a request for the appropriate determinations of effect. Enclosed please find a copy of the report, *Cultural Resources Survey for the Yuma Lighting and Fence Project U.S. Border patrol, Yuma Sector Yuma County, Arizona*.

Northland Research, Inc. identified and recorded one site, AZ X:9:8(ASM), and three isolated occurrences in their survey. Given the data reported, we have determined that the above-mentioned site is not eligible for the National Register of Historic Places (NRHP) and ask for your concurrence with our determination.

Northland's record search and pedestrian survey indicate there are five previously recorded sites that are within the proposed project's APE. AZ X:9:6(ASM), AZ X:5:8(ASM), AZ X:5:10(ASM), AZ X:9:5(ASM) and AZ X:5:16(ASM) are considered eligible by the original recorders, Pfaff et al. 1992. As noted in the report, the sites are still in use and it is unlikely that developments in the project area would adversely affect the sites. Visual integrity of the sites has already been compromised by recent development of the area. We will avoid these sites, so no historic properties would be affected. However, if we cannot avoid any of these sites, the sites that cannot be avoided will be re-evaluated for their eligibility status and an appropriate determination made at that time. If you concur with our determinations and proposal, please respond as soon as possible.

We intend to provide the appropriate Native American tribes with copies of this report as well. If you have any questions, please feel free to contact Ms. Patience Patterson (817) 886-1723.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

Copy furnished w/o enclosure

CONCUR

Mr. Joseph Lamphear
Regional Environmental Officer
Department of Homeland Security
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080


ARIZONA STATE HISTORIC PRESERVATION OFFICER
ARIZONA STATE PARKS BOARD

Arthur Angulo, Asst. Chief Patrol Agent
Yuma Sector, US Border Patrol
4035 South Avenue A
Yuma, Arizona 85365

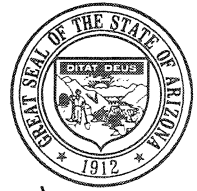
Mr. Howard Nass
Gulf South Research Corporation
7602 GSRI Avenue
Baton Rouge, Louisiana 70820



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

GOVERNOR
JANET NAPOLITANO
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MICHAEL M. GOLIGHTLY, FLAGSTAFF
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL



Wx

PER-E

December 29, 2003

Mr. William Fickel, Jr.
U.S. Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Draft Environmental Assessment for Installation of Border Security Infrastructure
Near San Luis, U.S. Border Patrol Yuma Sector, Arizona

Dear Mr. Fickel:

The Arizona Game and Fish Department (Department) reviewed your letter, dated December 3, 2003, regarding the U.S. Army Corps of Engineers (Corps) preparation of an Environmental Assessment (EA) for Installation of Border Security infrastructure, near San Luis, Arizona. We understand that the proposed project would be constructed in three phases and would include permanent stadium style lights, secondary border fence, patrol road, and a maintenance road. The Department's preliminary comments are included in the attachment for your consideration.

The Department appreciates the opportunity to provide these preliminary comments, and we look forward to reviewing the Draft EA, when it becomes available. Please contact Russ Engel, at (602) 542-0262 ext. 405, if you have any questions regarding these comments.

Sincerely,

Bob Broscheid
Project Evaluation Program Supervisor

Attachment

cc: Russ Engel, Habitat Program Manager, Region IV
Kelly Huckins, Project Evaluation Specialist

ATTACHMENT

Arizona Game and Fish Department Comments on Draft EA for Installation of Border Security Infrastructure Near San Luis, Arizona

December 29, 2003

The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed below have been documented as occurring in the project vicinity (5-mile buffer).

<u>Scientific Name</u>	<u>Common Name</u>	<u>Status</u>
<i>ARDEA ALBA</i>	GREAT EGRET	WSC
<i>COCCYZUS AMERICANUS OCCIDENTALIS</i>	WESTERN YELLOW-BILLED CUCKOO	C, S ₁ , WSC
<i>EGRETTA THULA</i>	SNOWY EGRET	WSC
<i>EMPIDONAX TRAILLII EXTIMUS</i>	SOUTHWESTERN WILLOW FLYCATCHER	LE, S ₁ , WSC
<i>PHOLISMA SONORAE</i>	SAND FOOD	SC, S ₂ , HS
<i>PHRYNOSOMA MCALLII</i>	FLAT-TAILED HORNED LIZARD	SC, WSC
<i>RALLUS LONGIROSTRIS YUMANENSIS</i>	YUMA CLAPPER RAIL	LE, WSC
<i>SIGMODON HISPIDUS EREMICUS</i>	YUMA HISPID COTTON RAT	SC

Status Definitions

C	Candidate. Species for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as Endangered or Threatened under ESA. However, proposed rules have not yet been issued because such actions are precluded at present by other listing activity.
LE	Listed Endangered: imminent jeopardy of extinction.
SC	Species of concern. The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the USFWS, but neither term has official status.
S ₁	Sensitive: those taxa occurring on National Forests in Arizona, which are considered sensitive by the Regional Forester.
S ₂	Sensitive: those taxa occurring on BLM Field Office Lands in Arizona, which are considered sensitive by the Arizona State Office.
WSC	Wildlife of Special Concern in Arizona. Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona. Species indicated on printouts as WSC are currently the same as those in Threatened Native Wildlife in Arizona (1988).
HS	Highly Safeguarded: no collection allowed.

Phase II:

The proposed area includes the construction of a secondary border fence, patrol road, and maintenance road east to Avenue C, which could potentially impact flat-tailed horned lizard (FTHL) habitat in the Yuma Desert Management Area (between Avenues C and D). This could result in direct loss of habitat and individuals. Compensation for lost habitat and impacts from the roads as per the FTHL Range-wide strategy should be included in the EA. An impact analysis for the new fence, isolating habitat in Mexico between the border and the Mexico Highway 2 should also be included. The Department suggests the addition of an alternative that combines the maintenance and patrol roads into one road, reducing impacts to the FTHL habitat.

ATTACHMENT
December 29, 2003
2

Phase III:

The proposed area encompasses a well-used and high quality Southwestern Willow Flycatcher (WIFL) stopover habitat. This area has a high potential to become a breeding area for WIFL. The Department recommends the impacts from stadium lights on birds in riparian areas at Hunter's Hole and Gadsen Bend be analyzed and included in the EA. This analysis should include the possible use of lights such as those used for sea turtle nesting beaches to reduce back lighting onto the riparian areas.



SHPD- 2003 - 2533 (18299)

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

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ARIZONA STATE PARKS/S.H.P.D.

December 4, 2003

Planning, Environmental and Regulatory Division

SUBJECT: Proposed Environmental Assessment (EA) for the installation of lights and fence, border security infrastructure near San Luis, Yuma Sector, U.S. Border Patrol, Arizona

Mr. James Garrison, State Historic Preservation Officer
ATTN: Joanne Medley
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Thank you for informing our office of your plans. We look forward to consulting on this undertaking.

*Joanne Medley
for SHPO Dec. 7, 2003*

Dear Mr. Garrison:

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, the Fort Worth District of the US Army Corps of Engineers, acting on behalf of the Department of Homeland Security, Customs and Border Protection (CBP) and the Border Patrol (USBP), is initiating the consultation process with your office regarding the proposed project noted above.

The USACE, in acting for the CBP and the USBP, is preparing an Environmental Assessment (EA) for the installation of border security infrastructure near San Luis, Arizona (Figure 1). The infrastructure would include permanent stadium style lights, a secondary border fence, an all-weather patrol road, and a maintenance road. The proposed project would also include extending the existing primary border fence east of San Luis to Avenue C. The proposed project encompasses approximately 12 miles and will be constructed in three phases.

Phase I will be constructed first and includes the areas west of the San Luis Port-of Entry (POE) to the Colorado River. This area includes Friendship Park. Stadium style lights, secondary border fence, an all-weather patrol road, and a maintenance road will be constructed along a 2-mile corridor as part of Phase I. The enforcement zone in this area will be 150 feet from the primary fence except for those areas where it deviates north to avoid existing canals (Figure 2). Also included in Phase I is approximately 1 mile of stadium style lights along the levee north of the San Luis wastewater treatment facility. Illegal entrants attempting to reach residential developments in the area commonly use this area.

Phase II includes the construction of stadium style lights, a secondary fence, an all-weather patrol road, and a maintenance road along a 7-mile corridor east of the San Luis Industrial Park. The primary border fence will be extended 3.6 miles from its current terminus east to Avenue C. The enforcement zone along this corridor will be 150 feet from the primary border fence. The

enforcement zone will narrow between the San Luis POE and the east boundary of the San Luis Industrial Park. The first 140 feet east of the San Luis POE will have a 60-foot enforcement zone. The next 1,200 feet east will have a 110-foot enforcement zone. Also, no maintenance road will be constructed from the San Luis POE to the east boundary of the San Luis Industrial Park.

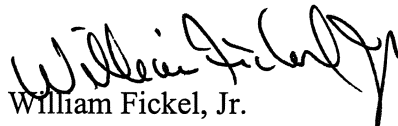
Phase III includes the construction of stadium style lights along an approximately 3-mile corridor near Gadsden, Arizona. The lights would be located along the levee east of the Colorado River to illuminate agricultural fields commonly crossed by illegal entrants attempting to reach the inhabited area of Gadsden.

The need for the proposed action is to halt the continual influx of illegal aliens and smugglers into the San Luis area by affecting a permanent deterrence through a certainty of detection and apprehension. The purpose and objectives of the proposed action is to provide for integration of infrastructure and technology into the current strategy for border control, which will reduce the current enforcement footprint and insure a more efficient and effective control of the border region. This will maximize the proactive, deterrent enforcement capability of the USBP while gaining the necessary and desired permanent status of deterrence.

The appropriate archaeological surveys will take place in the respective APEs and the results of the data gathered will be presented along with a request for the appropriate determination of effect.

We intend to provide you with a copy of the Draft EA once it is completed. Coordination with the appropriate Native American tribes has been initiated. If you have any questions, please feel free to contact Ms. Patience Patterson (817) 886-1723.

Sincerely,


William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

Copy furnished w/o enclosure

Mr. Joseph Lamphear
Regional Environmental Officer
Department of Homeland Security
Administrative Center Laguna
P.O. Box 30080 Laguna Niguel, CA 92607-0080

Arthur Angulo, Asst. Chief Patrol Agent
Yuma Sector, US Border Patrol
4035 South Avenue A
Yuma, Arizona 85365

Mr. Howard Nass
Gulf South Research Corporation
7602 GSRI Avenue
Baton Rouge, Louisiana 70820



United States Department of the Interior

U.S. Fish and Wildlife Service
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 FAX: (602) 242-2513



In Reply Refer to:

AESO/SE
02-21-04-I-0041

December 12, 2003

Mr. William Fickel, Jr.
Planning, Environmental and Regulatory Division
Department of The Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

RE: Environmental Assessment for Installation of Border Security Infrastructure Near San Luis,
Arizona, U.S. Border Patrol Yuma Sector, Arizona

Dear Mr. Fickel:

Thank you for your recent request for information on threatened or endangered species, or those that are proposed to be listed as such under the Endangered Species Act of 1973, as amended (Act), which may occur in your project area. The Arizona Ecological Service Field Office has posted lists of the endangered, threatened, proposed, and candidate species occurring in each of Arizona's 15 counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: <http://arizonaes.fws.gov>

If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find Arizona County/Species List on the main page. Then click on the county of interest. The arrows on the left will guide you through information on species that are listed, proposed, candidates, or have conservation agreements. Here you will find information on the species' status, a physical description, all counties where the species occurs, habitat, elevation, and some general comments. Additional information can be obtained by going back to the main page. On the left side of the screen, click on Document Library, then click on Documents by Species, then click on the name of the species of interest to obtain General Species Information, or other documents that may be available. Click on the "Cactus" icon to view the desired document.

Please note that your project area may not necessarily include all or any of these species. The information provided includes general descriptions, habitat requirements, and other information

for each species on the list. Under the General Species Information, citations for the Federal Register (FR) are included for each listed and proposed species. The FR is available at most public libraries. This information should assist you in determining which species may or may not occur within your project area. Site-specific surveys could also be helpful and may be needed to verify the presence or absence of a species or its habitat as required for the evaluation of proposed project-related impacts.

Endangered and threatened species are protected by Federal law and must be considered prior to project development. If the action agency determines that listed species or critical habitat may be adversely affected by a federally funded, permitted, or authorized activity, the action agency will need to request formal consultation with us. If the action agency determines that the planned action may jeopardize a proposed species or destroy or adversely modify proposed critical habitat, the action agency will need to enter into a section 7 conference. The county list may also contain candidate species. Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event that they become listed or proposed for listing prior to project completion.

If any proposed action occurs in or near areas with trees and shrubs growing along watercourses, known as riparian habitat, we recommend the protection of these areas. Riparian areas are critical to biological community diversity and provide linear corridors important to migratory species. In addition, if the project will result in the deposition of dredged or fill materials into waterways, we recommend you contact the Army Corps of Engineers which regulates these activities under Section 404 of the Clean Water Act.

The State of Arizona and some of the Native American Tribes protect some plant and animal species not protected by Federal law. We recommend you contact the Arizona Game and Fish Department and the Arizona Department of Agriculture for State-listed or sensitive species, or contact the appropriate Native American Tribe to determine if sensitive species are protected by Tribal governments in your project area. We further recommend that you invite the Arizona Game and Fish Department and any Native American Tribes in or near your project area to participate in your informal or formal Section 7 Consultation process.

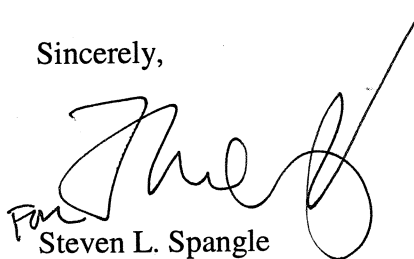
Specific guidance information regarding the cactus ferruginous pygmy-owl on private land can also be found on our web page under Document Library. From there, click on Documents by Species, then click on cactus ferruginous pygmy-owl, then click on the document titled "Recommended Guidance for Private Landowners Concerning the Cactus Ferruginous Pygmy-owl."

Mr. Fickel, Jr.

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For additional communications regarding this project, please refer to consultation number 02-21-04-I-0041. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. If we may be of further assistance, please feel free to contact Brenda Smith (928-226-0614 x101) for projects in Northern Arizona, Tom Gatz (602-2420-0210 x 240) for projects in central Arizona and along the Lower Colorado River, and Sherry Barrett (520-670-4617) for projects in southern Arizona.

Sincerely,


Steven L. Spangle
Field Supervisor

cc: Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ

O:\Species List Letters\2004 ltrs\02-21-04-I-0041.wpd/ij



Reply to
Attention of

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

December 2, 2003

Planning, Environmental, and Regulatory Division

SUBJECT: Environmental Assessment for Installation of Border Security Infrastructure Near San Luis, Arizona, U.S. Border Patrol Yuma Sector, Arizona

Arizona Public Service
Attn: Mr. Richard Vuksan
P.O. Box 98
Gadsen, AZ 85336

Dear Mr. Vuksan,

The U.S. Army Corps of Engineers (USACE), Fort Worth District, on the behalf of the Department of Homeland Security, Customs and Border Protection (CBP), is preparing an Environmental Assessment (EA) for the installation of border security infrastructure near San Luis, Arizona (Figure 1). The infrastructure would include permanent stadium style lights, a secondary border fence, an all-weather patrol road, and a maintenance road. The proposed project would also include extending the existing primary border fence east of San Luis to Avenue C. The proposed project encompasses approximately 12 miles and would be constructed in three phases.

Phase I encompasses the areas west of the San Luis Port-of Entry (POE) to the Colorado River, including the southern approximately 90 feet of Friendship Park. Stadium style lights, secondary border fence, an all-weather patrol road, and a maintenance road would be constructed along a 2-mile corridor as part of Phase I. The enforcement zone in this area would be 150 feet from the primary fence except for those areas where it deviates north to avoid existing canals (Figure 2). Also included in Phase I is approximately 1-mile of stadium style lights along the levee north of the San Luis wastewater treatment facility. This area is commonly used by illegal entrants attempting to reach residential developments in the area.

Phase II includes the construction of stadium style lights, a secondary fence, an all-weather patrol road, and a maintenance road along a 7-mile corridor east of the San Luis Industrial Park. The primary border fence would be extended 3.6 miles from its current terminus east to Avenue C. The enforcement zone along this corridor would be 150 feet from the primary border fence. The enforcement zone would narrow between the San Luis POE and the east boundary of the San Luis Industrial Park. The first 140 feet east of the San Luis POE would have a 60-foot enforcement zone. The next 1,200 feet east would have a 110-foot enforcement zone. Also, no maintenance road would be constructed from the San Luis POE to the east boundary of the San Luis Industrial Park.

Phase III includes the construction of stadium style lights along an approximately 3-mile corridor near Gadsen, Arizona. The lights would be located along the levee east of the Colorado

River to illuminate agricultural fields commonly crossed by illegal entrants attempting to reach the inhabited area of Gadsen.

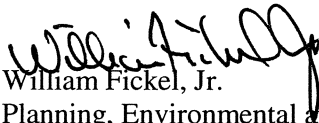
The need for the proposed action is to halt the continual influx of illegal aliens and smugglers into the San Luis area by effecting a permanent deterrence through a certainty of detection and apprehension. The purpose and objectives of the proposed action is to provide for integration of infrastructure and technology into the current strategy for border control, which would reduce the current enforcement footprint and insure a more efficient and effective control of the border region. This would maximize the proactive, deterrent enforcement capability of the USBP while gaining the necessary and desired permanent status of deterrence.

Attached is a map illustrating the approximate project location. We are currently in the process of gathering the most current information available regarding Federally and state listed species potentially occurring within this area of Yuma County. We respectfully request that your organization provide any concerns or comments pertaining to the proposed project, especially any proposed projects or plans your organization may have that would potentially be affected by the proposed project.

We intend to provide your agency with a copy of the Draft EA once it is completed. Please inform us if additional copies are needed and/or if someone else within your agency other than you should receive the Draft EA.

Your prompt attention to this request would be greatly appreciated. If you have any questions, please call Mr. Mark Doles at (817) 886-1693.

Sincerely,


William Fickel, Jr.
Planning, Environmental and
Regulatory Division

enclosure